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ABSTRACT

This manual is designed to introduce problem-solving and conflict resolution skills to 8-13 year old students. Following an introductory section, eight lesson plans are given. The first three lessons present basic skills of conflict management. Lessons four through eight focus on the steps in the mediation process. Each lesson includes suggestions for linking the skills being presented with everyday experiences. The last section provides 12 scenarios that encourage students to practice roles as disputants, mediators, and observers. The lessons are: (1) "What Is the Difference between Mediation and Taking a Case to Court?"; (2) "What Is Active Listening?"; (3) "How Do You Generate Options When Faced with a Conflict?"; (4) "What Is the Mediation Process?"; (5) "Introduction to the Case"; (6) "Disputant and Mediator Preparation"; (7) "The Mock Mediation"; and (8) "Debriefing the Mock Mediation." The manual contains reproducible handouts and student worksheets, and concludes with a glossary. (MM)

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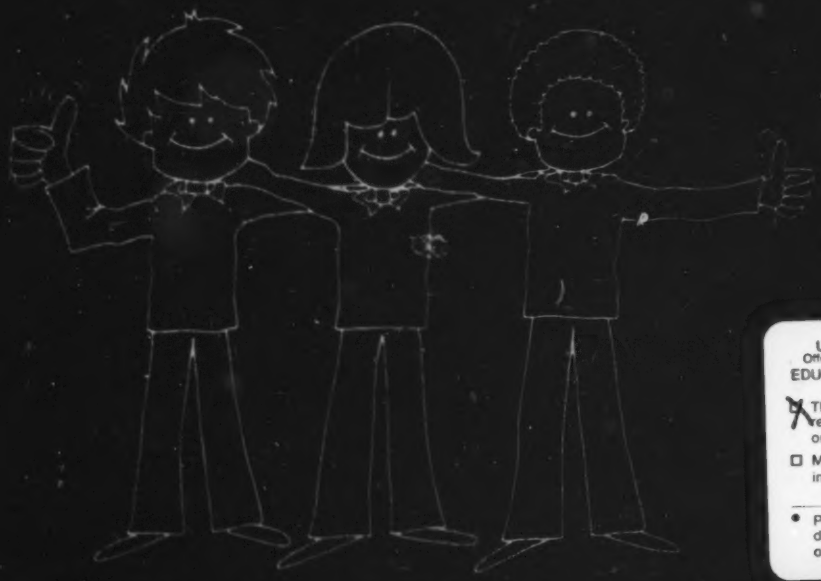

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SO 030 686

Problem Solving Through Mediation

Ages 8-13

Street Law, Inc.
National Crime Prevention Council

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Let's Say: "We Can Work It Out!"

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AGES 8-13

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For my one and only Maire Claire –J.Z.

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Preface and Acknowledgements

HARDLY A DAY GOES BY when we are not conscious of conflict and its effect on our lives. It is a possibility in every encounter. In fact, it sometimes seems that we are constantly involved in conflicts of one type or another. It takes only a few seconds for an encounter to escalate from words to physical contact or sometimes to the threat of litigation. The reality of conflict in daily life underscores the importance of studying conflict and conflict management.

Society's dissatisfaction with litigation as a process established to settle disputes has led to the search for new ways to approach conflict. Community mediation programs have started all around the country in order to explore new forms of dispute resolution. The success of these programs and their effect on the participants has contributed to their growth.

The study of conflict can be both positive and educational. Mediation and conflict management programs are changing the way people think about conflict in our society. In the years since the beginning of this movement, Street Law, Inc. (formerly the National Institute for Citizen Education in the Law) and the National Crime Prevention Council have developed ways to introduce mediation and conflict management into their educational programs.

As part of our continuing effort to assist with the expanded use of conflict resolution skills, we developed this manual along with the accompanying conflict scenarios. We were particularly fortunate to have the assistance of mediators and educators around the country who read and gave feedback at various stages in the development of these materials. In particular we would like to thank: Sue Bilbrey, Artemus Carter, and David Trevaskis for their thoughtful assistance and encouragement.

Street Law, Inc. staff members without whom this manual would have been impossible include: Lee Arbetman, Matt Block, Stefanie Bray, Erin Donovan, Ed O'Brien, and Alex Ashbrook. National Crime Prevention Council staff members who assisted include Terry Modglin, Judy Kirby, and Jean O'Neil.

As you use these materials, we would be delighted to receive any feedback and, in particular, any suggestions for revisions. Please send comments to either:

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Foreword

STREET LAW, INC. (formerly the National Institute for Citizen Education in the Law) is proud to join the National Crime Prevention Council (NCPC) in the publication of this manual for students 8-13 years old and their teachers. We believe it will greatly facilitate the teaching of conflict resolution throughout the United States.

Let's Say: "We Can Work It Out!" expresses our philosophy that the problems in our society are solvable if we use new methods of working cooperatively. All too often young people argue not only with words but also with fists, knives, and guns. If we are to reduce the use of violence, we must overtly teach methods of non-violent conflict resolution.

Since conducting the first high school mock trial competition at Georgetown University Law Center in 1972, Street Law Inc. has been at the forefront of promoting the use of mock trials in schools to teach the basics of the trial process. Today, more than 35 states conduct annual mock trial competitions in which secondary school students act as attorneys and witnesses before real judges. However, some criticize mock trials as emphasizing an adversarial approach to solving problems.

Therefore, we are delighted to offer this manual which promotes cooperation over competition, while pursuing a non-adversarial method of dispute settlement. We hope that teachers will show students that many of the problems that are often taken to court might better be solved through mediation, negotiation, or other non-litigating methods. Conflict provides an excellent opportunity to challenge students to learn new problem- solving skills. These materials can be used to teach students how to approach their personal conflicts. The design also makes the lessons easy to integrate into any courses where problem-solving skills are needed.

Let's Say: "We Can Work It Out!" is part of the national Teens, Crime, and the Community Program (TCC), a joint effort of Street Law, Inc., and NCPC. NCPC is one of the nation's leading organizations in the field of crime prevention. Teens, Crime, and the Community is a curriculum used in schools and other youth-related settings to educate students about crime and crime prevention while providing an opportunity "to make a difference" for themselves, their families, their friends, and their communities.

As part of TCC, students organize their own crime prevention projects. Conflict management is a frequent choice. Today in many schools, older students teach the skills to younger students. In addition, students can be seen on playgrounds, in the hallways of their schools or in meeting rooms acting as neutral third parties helping to resolve disputes.

We are hopeful that *Let's Say: "We Can Work It Out!"* will have a role in helping young people to grow up confident in their own ability to manage conflict without violence and capable of helping their communities to do so.

Ed O'Brien, Co-Director
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Judith A. Zimmer, Deputy Director of Street Law, Inc. (formerly National Institute for Citizen Education in the Law), is one of the authors of the *Teens, Crime, and the Community* textbook for middle school students and, most recently, *We Can Work It Out!* lessons and materials for the integration of conflict resolution and mediation skills into elementary and secondary classrooms and counseling programs. Ms. Zimmer, a mediator, is a graduate of Ohio State University and the Cleveland-Marshall College of Law.

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Linda Barnes-Robinson is a mediator in private practice. She specializes in issues involving children, including parent/child, special education, and custody/visitation. She is a nationally recognized trainer and consultant in conflict resolution and mediation. She has authored and edited mediation manuals and conflict resolution and mediation curriculum. Ms. Barnes-Robinson works part-time for Montgomery County Public Schools in Rockville, Maryland. She coordinates the identification of gifted and talented students, does advocacy with parent groups, and coordinates outreach for gifted students who are underachieving or learning disabled.

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Sue Jeweler, an elementary school teacher in the Montgomery County, Maryland, Public School system, has co-authored six books, two educational kits, and an article in *Gifted Child Today*. The 1992 recipient of the *Washington Post* Agnes Meyer Outstanding Teacher Award, she has also received the Marian Greenblatt Excellence in Teaching Award, the Catholic University School University Partner Award, and the Gifted and Talented Conference Outstanding Teacher Award. She is a consultant and is listed in *Who's Who of American Women* and *International Who's Who*.

Starting Up

This manual is designed to introduce problem-solving and conflict resolution skills to 8-13 year old students. The lessons can be used in school or community settings. Each lesson is complete with reproducible handouts. To provide plenty of opportunity to practice those conflict management skills, additional conflict scenarios are provided (p. 89).

The conflict management and mediation skills taught in these lessons transfer easily to other areas of learning. For example, in language arts students could discuss the conflicts in their favorite literature and consider options available to the characters. During health class, teachers could use the skills to enhance discussions about personal communications and relationships. Community-based programs might use a real community dispute as the content for the mediation experience. Whatever the setting, the idea is to teach life skills that enable students to resolve conflicts as productively as possible.

The first three lessons in the manual present the basic skills of conflict management. Lessons four through eight focus on the steps in the mediation process. They prepare students to conduct role-plays in order to practice the skills as disputants, mediators, and observers. The last section of the materials contains twelve scenarios that can be used to practice managing conflict. The Managing Conflict in Real-Life section in each lesson helps students see linkages between the skills being taught and experiences in their daily lives.

OBJECTIVES OF LET'S SAY: "WE CAN WORK IT OUT!"

As a result of these lessons, participants will be able to:

- identify and practice conflict resolution skills;
- list and explain the steps in the mediation process;
- analyze problems and apply problem-solving techniques;
- gain an insider's view of how dispute resolution processes work;
- demonstrate skills in critical and strategic thinking, questioning, active listening, and preparing and organizing materials;
- identify and construct common ground when problems are presented;
- create and assess options for resolving a conflict; and
- develop problem-solving skills for use in daily life.

Managing conflict provides an excellent opportunity to develop higher order thinking skills. By actively searching for realistic solutions, participants move from simply identifying problems to developing, asserting and assessing positions, searching for common ground, inventing potential new solutions, and working out an agreement.

This manual provides students with a way to develop solutions to problems that they encounter every day. It introduces an ap-

proach to problem-solving that is based not on fault or blame but on the desire of the disputants to design a plan for the future. The critical ingredient in learning the process is active participation. The cooperative methodologies in this manual are designed to actively engage students in the development of both individual conflict management skills and an understanding of how the mediation process works.

What's more, participants learn to see issues from more than one vantage point. They learn empathy by learning to consider more than one perspective when confronted by a problem. They begin to understand the variety of resources available within the community for diverse interests seeking to work toward common solutions. Students will develop an understanding of the importance of cooperation and collaboration and the advantages of enabling people to develop solutions that define their future relationships.

Any disagreement can serve as raw material for a mock mediation. Beginning with simple scenarios like the examples in this manual, however, will enable students to concentrate on learning the process before attempting to apply it to real life situations.

This manual suggests opportunities for a broad range of field trips and for tapping members of the community to act as resources. Trips to local mediation centers to see mediators in action are a natural foundation or follow-up to these lessons. Many mediators will happily agree to 'visit the classroom and help students prepare for a mock mediation.

Interaction with people who actually work in the field extends youngsters' understanding of the skills necessary for community problem-solving. Students can obtain real insight into the many uses of mediation skills during such exchanges. Career exploration takes place naturally as the resource people interact directly with students who may be interested in the field.

The skills that students acquire in mediation are lifelong assets that build their capacity to address issues effectively during a disagreement and to focus on the future of the relationship.

The majority of mediations in the United States are handled using the processes outlined in this manual. There are no formal rules of evidence like those found in a trial situation. Mediations are divided into stages; certain expectations are set for each stage. The mediation process is flexible and meant to facilitate problem-solving.

CELEBRATING THOSE NEW CONFLICT MANAGEMENT SKILLS

One exciting way to help students see the importance of these new skills is to conduct a mediation showcase. Mediation showcases enable students to demonstrate and improve their new skills and to meet other students who feel that managing conflict productively is important to them.

Mediation showcases can be held in your classroom or school or as a larger community event. Modeled after mock trials, mediation showcases involve students in role-playing mediations as disputants and mediators. Each mock mediation is observed with feedback provided by community mediators. The presentation of awards of excellence to all participants enhances the achievement of each individual.

For additional information on conducting Mediation Showcases, contact:

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LESSON PLANS

LESSON PLAN #1

What is the Difference Between Mediation and Taking a Case to Court?

OBJECTIVES

As a result of the activities in this lesson, students will be able to:

- Distinguish between the mediation process and "taking a case to court" and give the pros and cons of each process.
- Explain the purpose of mediation.
- List and explain the major steps in the mediation process.
- Name the participants in mediation.
- Discuss the role of each participant in mediation.

ACTIVITIES

1. Full Class Discussion

You should begin by asking students to define mediation. It is a good idea to find out what the students already know about the process and use this as a foundation for new information. Discussion should focus on defining what it means to "take a case to court" and what it means to "take a case to mediation," highlighting the differences between the two processes. Some sample definitions:

- *"Taking a case to court"* is a form of conflict management. It means asking a judge (or, in some instances, a jury) to make a decision about a dispute involving two or more parties. Judges make decisions based on the evidence of what has happened. The solution to the problem comes from the judge, who is bound by rules, law and precedent (how similar cases have been decided in the past). When students role-play the scenario as a court case, they should follow these steps:

  1) Judge listens to all disputants.

  2) Judge asks questions.

  3) Judge announces decision.

  Write these steps on the board.

- *Mediation* is also a form of conflict management. It involves an impartial third person, called a mediator, who assists the disputants in discussing and resolving their problem. The solution to the problem comes from the disputants themselves, not from the mediator. Mediators do not make decisions or give advice as judges do in court cases. The mediation agreement focuses on the future.

  When students role-play the scenarios as mediators, they should follow the following steps:

  1) Mediator listens to all disputants.

  2) Mediator asks disputants for ideas to resolve the problem.

3) Mediator works with disputants to identify the two most workable resolutions.

Write these steps on the board.

2. Role-Play and Discussion

During this section, students will read, role-play, and analyze several scenarios.

Role-playing is an important methodology for teaching conflict resolution. It involves re-enacting a conflict situation to help gain a new understanding of behavior and the motivations behind behavior. When you act in a role-play, you find out things about yourself and others.

The steps of role-playing include:

- *Discuss* the conflict situation by giving the setting, defining the roles, and asking for volunteers.
- *Act out* the conflict.
- *Freeze* the role-play at any point during the conflict to discuss issues and options.
- *Discuss/process* the role-play at the end.

Teachers need to teach the role-play process to students.

Each group will go through the role-play two times. First, role-play the scenario as a court case, followed by a mediation role-play. (Use Student Activity Sheets #1B and #1C for this step. Half of the small groups will work with scenario #1B; half will use #1C.) After each role-play students will list the pros and cons of using the process.

One student in each group should serve as the recorder. During the debriefing, the recorders for each group will share the results of the group's discussion. The debriefing should focus on developing a list of pros and cons for both processes. Some potential responses:

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PROS

- The judge is impartial and will render a binding decision.
- Judges can subpoena unwilling defendants and require their participation at trial.
- Both the plaintiff and defendant will be able to tell their story and call supporting witnesses.
- There are rules that must be followed to ensure fairness.
- The judge, an impartial party, will apply the law and make a decision based on law and precedent.
- A neutral party (judge or jury) will make a decision based on the facts of the case.
- If it is a civil trial, the person who wins the case can receive damages (money) as part of the court's decision.
- There is an established appeals system. (So if you lose you can ask another court to review the decision.)

CONS

- The plaintiff and defendant will be forced to deal with past events, not encouraged to focus on the future.
- The plaintiff and defendant may not have any continuing relationship when the proceeding is concluded.
- There may not be any agreement as to how the parties will behave toward each other when the trial is over.
- One or both of the parties may not like or support the judge's decision.

- One or both of the parties may feel dissatisfied with the performance of the attorneys, who are restricted to using only certain types of evidence in the case.
- Attorney's fees and court costs may be high for each party.

MEDIATION

PROS

- Mediators try to maintain neutrality.
- Participation is voluntary.
- Each party gets to describe the problem from his/her perspective and is not restricted by legal rules of evidence.
- The disputants will be able to listen to each other and see the problem as viewed by the other person.
- The disputants will be able to participate personally in the resolution of the problem.
- The disputants will be more likely to maintain their relationship.
- The agreement will focus on the future.
- The process may be less expensive and less time-consuming than going to court.

CONS

- The parties must participate in developing a resolution that satisfies them both. This approach can be difficult and time-consuming.
- The parties must be able to sit at the same table and discuss the problem. People sometimes are unable to do this.
- The parties may feel that the process is not controlled enough to make certain that their point of view is heard and understood.
- The parties may worry about the enforceability of the agreement that is reached.
- One party may be more verbal or aggressive and the other party may feel he/she is being dominated in the session.

3. Class Discussion

Students will complete the first lesson by reading and highlighting new vocabulary words in the Steps in a Typical Mediation handout (Student Activity Sheet #1A). The following vocabulary words and phrases are important:

- Alternative solutions
- Disputants
- Agreement
- Feelings
- Ground rules
- Mediation/Mediator
- Summarize
- Solutions

MANAGING CONFLICT IN REAL LIFE

Ask students to bring in an article from a local newspaper concerning an incident that could be successfully addressed using the mediation process (Student Activity Sheet #1D). Brainstorm a list of possible options available to the disputants. If the parties were to turn to mediation, what might be a possible outcome? Could this case be taken to court? If so, what would be the likely outcome?

Are there some issues that must be taken to court to assure the disputants that they have received a full hearing of their dispute? What should the criteria be for determining whether an issue should go to court or to mediation? Is mediation good for society? In what ways is litigation preferable to mediation? In what ways is mediation preferable to litigation?

5. Field Trip to Mediation Program (Optional Activity)

Involve students in making arrangements to visit a local mediation program. The number of mediation centers is on the rise all over the country. The phone directory might be a good place for students to start looking for a program near your school. Some mediation centers concentrate on specific types of issues such as divorce, misdemeanors, or various civil actions. Other centers deal with a variety of public policy issues. Sometimes they are connected to local court systems. Students might also interview mediators about their work. Many mediators are unpaid volunteers who have received training and donate their time to help resolve disputes. Others have more extensive training and have paying jobs with mediation centers.

Most mediations are private and are kept confidential. It may be possible, however, to arrange for your students to observe a mediation [with the permission of both of the parties to the dispute and the mediator(s)]. The mediation center might also role-play the process so that students could get a better idea of how mediation works.

As an assignment immediately after the field trip, ask students to write several paragraphs focusing on questions such as:

- What kinds of disputes does the center mediate?
- What type of dispute was mediated during the visit?
- What role did each of the participants play?
- What did the students learn while watching the mediation?
- Did the resolution satisfy both of the disputants?
- Do the students think that the resolution will be followed by the disputants?
- Did the process seem like a good way to deal with a particular problem?
- What else might the students recommend?

Students should use these questions to discuss the field trip and their assignment either in small groups (3-5 students) or as a class.

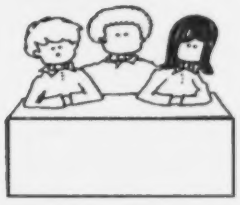
6. Resources

Invite a mediator or a team of mediators from the local mediation center to visit your class. Try to arrange a role-play of a mediation so that students can see the process in action. For example, the mediators could role-play a recent school or community dispute. In arranging for a speaker, be sure the person is adequately prepared regarding:

- The grade level, age, and mediation knowledge of the students.
- Your objectives for the speaker's visit.
- Particular subjects that the class would like to discuss.
- Details of any activity that you plan to use while the speaker is present.

The more time you spend preparing the resource person, the better the class experience will be.

STUDENT ACTIVITY SHEET #1A



Steps in a Typical Mediation

Step ❶ Introduction

The mediator makes the people involved in the dispute feel at ease and explains the ground rules. The mediator's role is not to make a decision but to help the people decide on something to which they both can agree. The mediator explains that mediators do not take sides or tell anyone else what is said during the mediation.

Step ❷ Telling the Story

Each person tells what happened. The person who brings up the problem usually tells his/her side of the story first. No interruptions are allowed. Then the other person explains his/her side. These people are the disputants.

Step ❸ Identifying Positions and Interests

The mediator tries to make certain that each disputant is clearly understood by listening carefully to each side, summarizing each person's view, and asking questions. Sometimes the mediator will encourage the disputants to ask questions and summarize each other's point of view in order to check for understanding.

Step ❹ Identifying Alternative Solutions

The disputants think of possible solutions to the problem. The mediator makes a list and then asks each disputant to explain his/her feelings about each possible solution.

Step ❺ Revising and Discussing Solutions

Based on the feelings of the disputants involved, the mediator may help the disputants change some of the possible solutions and identify a better solution to which the disputants can agree.

Step ❻ Reaching an Agreement

The mediator helps the disputants reach an agreement that both can accept. The agreement is written down. The disputants also discuss what will happen if they find out the agreement isn't working for them.

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STUDENT ACTIVITY SHEET #1B

Whom Do You Trust?

ROLE-PLAY

Tonya

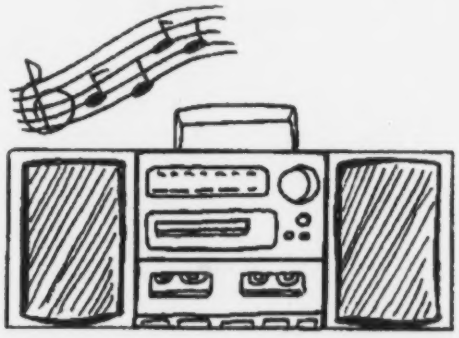
You and Daryl have known each other for a long time. You would like to be friends.

Last week you borrowed Daryl's CD player. You were especially careful with it and returned it as promised.

Two days later, Daryl accused you of breaking the CD player. You said you hadn't, and the next thing you knew, Daryl started yelling at you and pushing you around. It was really embarrassing. Of course, you got angry when Daryl called you names, and you yelled and shoved back.

You'd like to work this out because you don't want to get in trouble.

You can't possibly buy Daryl a new CD player. You did catch your little brother touching it and yelled at him to keep his hands off. It is possible that he broke it.



Daryl

You have a new CD player. It was very expensive. You earned and saved money for a long time to pay for it.

Last week Tonya asked to borrow it for something special—you can't remember what. You don't like to lend things, but in this case you said OK.

Tonya returned it two days later. You didn't use it right away, but when you did it didn't work. You know Tonya did something to break it. It really makes you mad.

When you saw Tonya the next day at school, you said something about the CD player being broken. Tonya said, "I didn't do it!" When you asked her again, Tonya got mad. That really set you off , and you started yelling and shoving. Tonya shoved back.

You took the CD player to a repair shop. It will cost a lot of money to have it fixed, and you are really mad. You want the money to fix it.

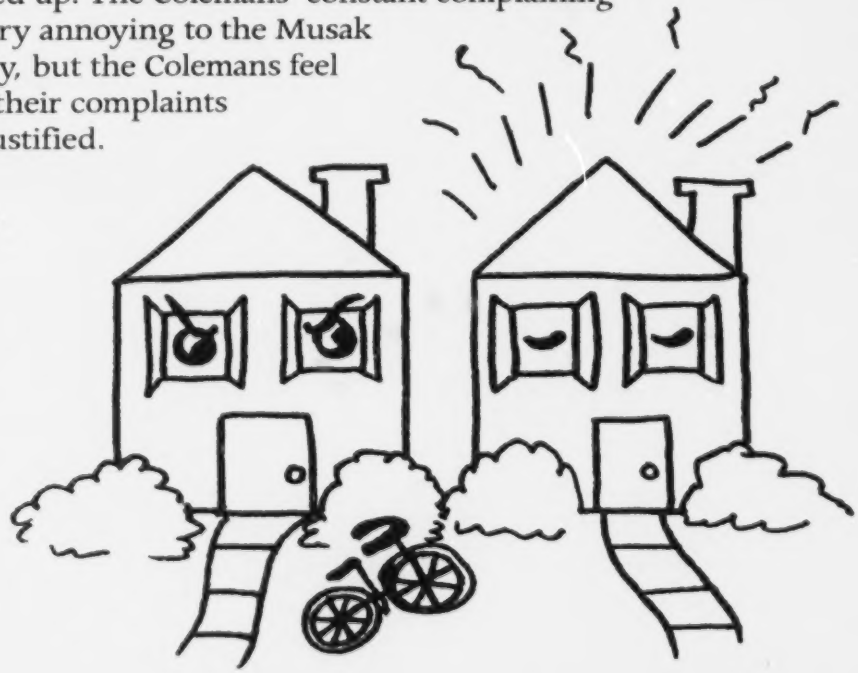
STUDENT ACTIVITY SHEET #1C

The Colemans & the Musaks

ROLE-PLAY

The Colemans and the Musaks are neighbors on a quiet street in Newville. They have never gotten along. This is partly because the Musaks' teenage children, Marvin and Maria, have been careless and noisy when entering and leaving their home. They frequently cut across the Colemans' yard. The Colemans have complained, and the Musaks have promised to speak to the children. But the problem has continued.

Three weeks ago, one of the Musak children destroyed some bushes in front of the Coleman house while trying to park the family car. The Colemans spoke to the Musaks about it and asked for $400 to cover the costs of replacing the bushes. The Musaks said that they would not pay $400. The Musaks feel that the Colemans tend to exaggerate every problem. They also think that the bush has been allowed to grow too large and sticks out into the driveway. Last week the Colemans called the police because the Musak children's stereo was turned up. The Colemans' constant complaining is very annoying to the Musak family, but the Colemans feel that their complaints are justified.



STUDENT ACTIVITY SHEET #1D

Managing Conflict in Real Life

Select a newspaper article about a dispute that you think could be handled through mediation. Use that information to think about the following questions.

1. What is the issue presented by the article you have chosen?

2. Brainstorm options for the disputants. What are they?

3. Should the disputants try mediation? Why?

4. Should the disputants go to court? Why?

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LESSON PLAN #2

What Is Active Listening?

OBJECTIVES

As a result of the activities in this lesson, students will be able to:

- Define active listening.
- Identify three important components of active listening.
- Develop a role-play that demonstrates active listening skills.
- Use Active Listening skills to explore triggers and feelings.

ACTIVITIES

1. Vocabulary

The following vocabulary words will be helpful for students to learn in preparation for this lesson:

- Biased/unbiased
- Neutrality
- Impartial
- Perspective

2. What is Active Listening?

The class should brainstorm a list of good listening characteristics by answering the following questions:

- How do you know when someone is listening to you?
- How do you know when someone is not listening to you?
- How do you feel when someone listens to you?
- Do you always listen when a friend talks to you?
- What gets in the way of good listening?
- How do you let someone know that you are listening?

The brainstorming list for good listening should include the following practices:

- Face the person.
- Be open and interested.
- Lean toward the talker.
- Ask questions to clarify.
- Summarize the speaker's message.
- Be relaxed and concentrate.
- Do not plan your response.
- Encourage the speaker.
- Maintain eye contact.

This list contains some important components of "active listening." After the role-plays participants will add ideas to the list.

***NOTE**: This list reflects good listening behaviors of the* Euro-American *culture—but it is important both to acknowledge that different cultures may have different criteria for good listening and to discuss some of those criteria. (For example, in some cultures making eye contact is a sign of disrespect.)*

At this point in the lesson, a discussion of cultural differences is appropriate and recommended so that students can begin to value and understand the experiences of others.

3. Active Listening

Active listening is a very important skill for managing conflict. It conveys the idea that listening is more than just hearing. Active listening requires both hearing and understanding. People who are active listeners are able to make other people feel that they are really being understood.

Active listening is important because the disputants need to understand the problems clearly. Often this involves more than just gathering information. The key point is to understand the underlying needs of the disputants. Finding out what each person really needs in order to resolve the problem can bring a fresh perspective and help to manage the conflict.

Active listeners are paying attention to the words, tone, body language, and attitude of the speaker. Feelings are our emotional response to events and to our environment. During this part of the class, have students define feelings and discuss the impact of feelings on conflict situations. Some questions to guide this discussion include:

- What are feelings? Are we always in touch with our feelings?
- Are feelings good or bad?
- Why is it important to know how we feel?
- Why is it important to be able to discuss our feelings?

Feedback is a very important part of letting another person know that we are listening. Good feedback captures and acknowledges the feelings as well as the thoughts of the speaker. At times, tone as well as content must be taken into consideration. Sometimes people are not aware of how their feelings are transmitted to others. Feedback that shows you are listening may include:

- Paraphrasing (restating) the information to make certain you understand the speaker (for example: "So what you are saying is . . . ").
- Summarizing the speaker's thoughts and feelings.
- Asking questions to clarify what the speaker is saying or to get additional information.
- Reflecting the speaker's feelings carefully by showing that you understand what is being said. Noting that the speaker seems "upset" or asking the speaker how he/she felt during the dispute gives the speaker the opportunity to air feelings and can be an important step toward understanding and eventual agreement.

Good feedback is as much a matter of body language as of words. Mediators need to pay attention to the nonverbal messages given during discussion.

Mediators must be able to summarize and give feedback in a way that demonstrates impartiality. During a mediation, the mediator frequently needs to summarize the facts and feelings of the disputants, so they know they have been heard. The summary must be presented fairly because it helps the disputants understand and keep track of the process.

4. Role-Play

Role-play is an important part of teaching personal conflict resolution. It involves reenacting a conflict situation to help gain a new understanding of behavior and the motivations behind behavior. When you act in a role-play, you find out things about yourself and others.

The steps of role-play include:

- *Discuss* the conflict situation by giving the setting, defining the roles, and selecting volunteers.

- *Act out* the conflict.
- *Freeze* the role-play at any point during the conflict to discuss issues and options.
- *Discuss/process* the role-play at the end.

Review the role-play process with students.

During this part of the class the students should work in small groups (3-5 students). First, each group will develop a role-play in which bad listening skills are used by the participants. Then they will use the same role-play to show good listening skills. The role-play can be based on either a real or imaginary situation. Each group will present their role-play to the entire class. After each role-play, debrief by asking the following questions:

- How did the participants feel after the first role-play?
- How did they feel after the second role-play?
- What did active listening add to the situation?

Students should become more aware of the way they communicate with each other as a result of this session. They should also become good observers of the listening skills of others. In the final part of this exercise, students should go back and add to their list of good listening characteristics from the start of this session.

5. Triggers

The object of this section is to use active listening skills to explore our own triggers and the feelings that accompany them. Triggers include any verbal or nonverbal behavior that results in anger or emotional reactions. Triggers are like lightening bolts that interfere with communication between people. Often people focus on the trigger instead of the conflict that they are trying to resolve.

Everyone has triggers. For example some people do not like to have an index finger pointing in their face in the midst of a discussion. That index finger can trigger angry feelings that can interfere with the communication and cause conflict. In order to understand conflict in our own lives we need to be able to identify and discuss our own triggers and the feelings connected with them. Once we understand our own triggers, then we can use active listening skills to identify and understand the triggers of others.

First, students should identify their own triggers and the feelings that are connected with them. (Use Student Activity Sheet #2A) Then they should pair up with another student and interview each other about their triggers and the feelings that are exposed by the triggers. The interviews should last about 10-15 minutes.

During the debriefing of this experience the students should be pushed to think of a broad range of feelings. It is quite common for people not to be able to think of more than a couple of feelings like love and hate. Try to get students to be aware of the broad range of feelings that are possible to identify. Some examples include: shocked, puzzled, cold, bashful, bored, disappointed, frightened, miserable, glad, troubled, zany, guilty, determined, energetic, inspired, relaxed, proud, crushed, contented.

There are no right or wrong feelings—the key is what action we take in response to our feelings. Keep in mind that one of the really important parts of this exercise is that students get to talk about the things that make them angry at a time when they are not angry. This can create an excellent learning experience because students really reflect on their own reactions.

Debriefing questions should include:

- What are some of your verbal/nonverbal triggers?
- What feelings do you have when someone pulls one of your triggers?
- Do your reactions help to resolve the conflict or do they get in the way?
- What can you do to get control over your own triggers?

During this debriefing period, it is important to emphasize some of the bigger issues involved in conflict. Encourage students to consider whether they are quick-tempered or slow to anger and what advantages or disadvantages there are to each response. How have they increased, or how might they increase, the period of reflection between a trigger word or gesture and their responses? Why might it be important to gain that type of control? Possible student responses could include:

- Control of my responses is my responsibility.
- Another person cannot make me respond in a way that I have not thought about.
- I know myself and can predict my responses to triggger words or gestures.

6. Why is Listening Important to the Mediation Process?

Class discussion should focus on why the mediator's job requires good listening skills. This is a good time to review the Steps in a Typical Mediation and How Active Listening Fits In (Student Activity Sheet #2B). Discuss the importance of listening in each step of the process. Some of the possible reasons why it is important to be a good listener during mediation include:

- It gives you a better understanding of the problem.
- It makes people feel that you want to help them resolve the problem.
- It shows respect.
- It gives you an opportunity to listen for possible areas of agreement.

Good listening is important for resolving conflict because it allows each party to understand the problem from the perspective of the other. Mediators need to be careful listeners, so they can ask questions to clarify the information given by the disputants. They also need to be able to summarize the problem from each disputant's perspective. The mediators need to be able to listen for potential areas of agreement during the mediation. You cannot resolve conflict without careful, active listening.

MANAGING CONFLICT IN REAL LIFE

Each student should watch for good and bad listening behavior and the effects it has on him/her and others (Student Activity Sheet #2C). Students should consider the following questions: Why don't people listen? What effect does it have on another person who believes that he/she has not really been heard? Describe a time when you knew the person to whom you were talking was not listening. How did you feel? How did you handle it?

Each student should make a list that summarizes what he/she feels are the most important tips to remember about active listening skills.

STUDENT ACTIVITY SHEET #2A

Triggers, Feelings, and Conflict

Please write your responses to each of the following questions.

☐ What are my TRIGGER words?	FEELINGS
☐ What kind of body language is a TRIGGER for me?	
☐ How do I know I'm angry?	
☐ Do I have a long fuse or a short fuse?	

Interview a Peer

NOTES:

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STUDENT ACTIVITY SHEET #2B

Steps in a Typical Mediation and How Active Listening Fits In

In the boxes below, describe how active listening fits into the steps of mediation.

Step ❶ Introduction

Step ❷ Telling the Story

Step ❸ Identifying Positions and Interests

Step ❹ Identifying Alternative Solutions

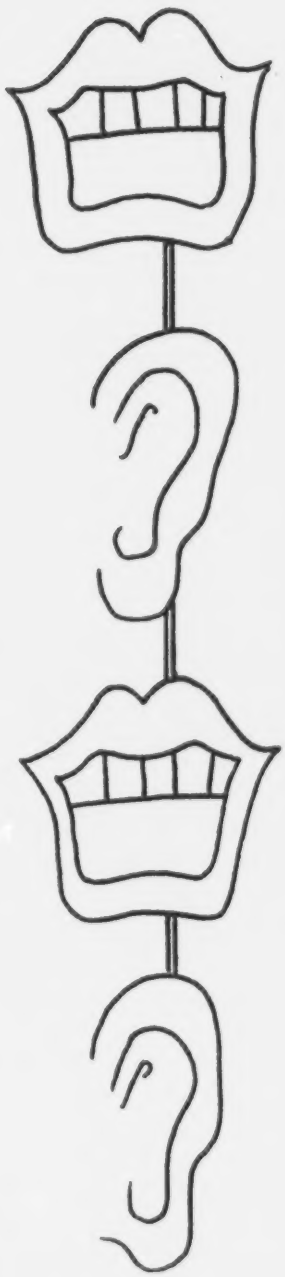
Step ❺ Revising and Discussing Solutions

Step ❻ Reaching an Agreement

STUDENT ACTIVITY SHEET #2C

Managing Conflict in Real Life

Why don't people listen?



How do you feel when you know someone is not listening to you?

Describe a time when the person you were talking to was not listening.

What were your feelings? How did you handle it?

List the five most important tips you have learned about listening.

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LESSON PLAN #3

How Do You Generate Options When Faced With a Conflict?

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Identify more than two options for resolving the same problem.
- Determine the pros and cons for a variety of potential solutions.
- Select the two most workable solutions from the choices available.

ACTIVITIES: PART 1

1. Review Assignment From Lesson 2

Students should share examples of bad and good listening that they have observed in their lives based on the discussion of active listening. You should review the criteria for active listening from Lesson 2.

2. Vocabulary

Students should learn or review the following vocabulary words:

- Active listening
- Brainstorming
- Options
- Conflict

3. Brainstorming Possible Solutions

Four steps comprise the process of "Brainstorming Possible Solutions":

a) Generate options—solutions to problems.

b) Discuss pros and cons of possible solutions.

c) Sort, combine, and toss out some ideas.

d) Identify the two most workable solutions.

Brainstorming possible solutions is a very important skill in mediation and other conflict management processes. Many arguments escalate into more serious disputes because people cannot think their way out of the problem. They do not know how to generate any other options. They are stuck with the limited ideas that they had when the dispute started. This logjam causes anxiety levels to increase between the disputants. Soon they are cemented into their positions and unable to consider the future. Sometimes if the disputants could think of even one additional option, they could avoid escalation of the problem.

How can a mediator move disputants past this kind of logjam? Thoughtful understanding of the process of developing solutions will help mediators become skillful in assisting disputants to be creative problem-solvers, because there can be no resolution without options. Frequently, good questioning skills can help the mediator move the disputants toward common

ground. Sometimes a question like, "How would you like to see this problem resolved?" can prompt a disputant to visualize and verbalize a desired outcome. Other questions that can be helpful in this situation include:

- What could you do differently next time?
- What type of relationship do you want to have with the other disputant(s)?
- If you were a fly on the wall, how might you resolve this problem?
- How could you change your actions?

4. The Bobby and Sammy Story

The objective of this section is to reinforce the active listening and role-play skills and to involve students in a brainstorm of options available to Bobby and Sammy. Create a role-play for the entire class based on the scenario found on Student Activity Sheet #3A. (Only the students in the role-play need copies of Activity Sheet #3A. All students will need copies of Student Activity Sheet #3B.)

- Discuss the Bobby and Sammy conflict situation by giving the setting, defining the roles, and selecting volunteers.
- While the role-play is being prepared ask the rest of the students to review active listening skills.
- Have students act out the conflict and try to see if they can resolve it.
- Freeze the role-play at any point during the conflict to discuss issues and options.
- Discuss the role-play when it ends. Students should work in small groups (3-5) using Student Activity Sheet #3B to analyze the conflict and brainstorm their own solutions. Some potential questions for discussion:

1. Did Bobby and Sammy each get a chance to tell his/her side of the story?
2. Did Bobby and Sammy practice active listening?
3. Did Bobby and Sammy understand the problem?
4. Was the class able to discuss the problem and the possible solutions?
5. Will the solutions solve the problem? Why?
6. Were there changes in how Bobby and Sammy felt toward each other from the beginning to the end of the role-play?

Other questions for the discussion after the role-play include:

- What part did active listening play in developing options?
- How did the group work together to develop the list of pros and cons for each suggested solution?
- How did the sorting out part of the process work in your group? Were each person's ideas expressed and taken into consideration?
- What characteristics made the solutions workable?
- Did you feel that the group took each person's ideas into consideration? Was there anyone who disagreed with the group's final determination?
- What did you like most about the process? Least?
- Did you feel that your group worked well together?
- What suggestions do you have for groups that work together in the future?

5. For the Next Session—

Give out copies of Student Activity Sheet #3C. Ask each student to select a newspaper article or comic covering some type of dispute and to write up a case-study for the dispute. Each student should go through all four steps of the Brainstorming Possible Solutions process (p. 33) and recommend his/her two most workable solutions for the dispute described in the newspaper article. These materials will be discussed at the beginning of the next class period.

ACTIVITIES: PART 2

How can I use active listening skills to enhance my ability to generate options for solving problems in a dispute?

As a result of the activities in this section, students should be able to:

- Review the active listening skills from the previous lesson.
- Review the process for brainstorming options when looking at a conflict.
- Review how the skills of active listening and brainstorming options complement each other.

1. Small Group Discussion

At the start of this session the class gets into its original brainstorming groups from last session. Each student should bring Activity Sheet #3C and his or her news article/comic. Each group member describes the dispute he or she selected. When the inventory is complete, the group chooses the dispute they would most like to role-play.

Each small group should select a group leader and a recorder. The initial task is for each student in the group to become knowledgeable about the newspaper article describing the dispute. Allow each group time to read the article. Then each group should use Student Activity Sheet #3C to review the mediation case-study of the dispute as written by the student. Group members should make any additions and/or corrections to the case study at this time. The group recorder should take notes about the case study that will help the class understand the issues during the debriefing at the end of the session.

Within each small group, individual students should assume the roles described in the article/comic. Ask each of the students in the role of disputants to describe the problem from his/her perspective. Students who are not role-playing the part of a disputant should be using their active listening skills to observe and critique the process. (Use Student Activity Sheet #3D.)

The students who are listening should be given an opportunity to ask questions after each disputant has told the story from his/her perspective. Here the students are beginning to use the skills they have been learning in a conflict management context. Students should be encouraged to ask open-ended questions as a way of encouraging the disputants to give full answers. Questions should be used to make certain that all the important facts are aired and that the speaker gets feedback affirming that he/she was heard and understood.

After the disputants relate their sides of the story, the students should discuss how it felt to have the whole group listening to them.

Now the small group is ready to move to the part of the process that focuses on developing possible solutions. This section will review the four steps for developing possible solutions:

- Brainstorm solutions to problems.
- Discuss pros and cons of possible solutions.
- Sort, combine, and toss out some ideas.

- Identify the two most workable solutions.

Each group should work through these steps and come up with at least two workable solutions for the problem. The group recorder should take notes on the decision of the group and report to the full class at the end of the session. You should convene the entire class and debrief the groups on the results of their discussions. Several potential questions for discussion include:

- How did the disputants do in their roles? Did they carefully describe the problem as they saw it?
- Did the rest of the small group respond with active listening skills? Did they ask questions in order to make certain they understood the statements of the disputants?
- Did the entire small group understand the disputants?
- What additional information, if any, did the group want about the dispute?
- What additional feedback did the group members give to the disputants?
- Did the disputants feel they were being heard by the group? If not, what was missing from the group's response?
- Did the group follow the steps for brainstorming possible solutions?
- What possible solutions were brainstormed by each of the groups?
- Do students feel these solutions are realistic for resolving the dispute? Why or why not? What could act as a "roadblock"?

MANAGING CONFLICT IN REAL LIFE

By developing the skills of active listening and brainstorming, students will be better prepared to resolve conflict. It is important that they internalize and transfer these skills to their daily lives. This section provides an opportunity for students to make these connections.

Can you recall a situation in which the disputants could not think of any options for handling the problem (Student Activity Sheet #3E)? What happened? How could the situation have been handled differently? Brainstorm four potential options. Identify the two best and explain your thinking.

STUDENT ACTIVITY SHEET #3A

The Bobby and Sammy Story

THE STORY: Bobby and Sammy are working on a project together. After one week the teacher will check their work. Bobby and Sammy will get a group grade.

BOBBY (BOBBI)

You and Sammy have been working on a project for almost a week. It is due in two weeks. You and Sammy divided up the work evenly. The teacher will meet with you tomorrow to see how you're coming along.

You're worried because you are ready but Sammy isn't. Sammy has done nothing so far.

When the teacher meets with you tomorrow, your group will be in big trouble. It's all Sammy's fault.

SAMMY (SAMI)

You and Bobby have been working on a project together.

Bobby said that you would divide the work evenly, but that's not how it turned out. You have more to do.

You tried to tell Bobby, but he never listens!

You are working hard on this project, but need to talk to the teacher tomorrow.

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STUDENT ACTIVITY SHEET #3B

Mediation Case Study Using Brainstorming

Discuss the Story

1. **Facts...** What caused the problem? What does *Bobby/Bobbi* think the facts are? What does *Sammy/Sami* think the facts are? How does *each one* feel?

2. **Interests...** What is the reason for the dispute?

3. **Brainstorming Solutions...** Brainstorming is a good way to think of different choices when confronted with a problem. The idea is to come up with as many possibilities as you can to solve the problem. Review the four steps for developing solutions:

   1. Brainstorm as many ideas to solve the problem as you can.

   2. Discuss pros and cons of possible solutions.

   3. Sort, combine, and toss out some ideas.

   4. Identify the two most workable solutions.

Throughout the process, remember:

- Everyone should be able to participate.
- Write down everyone's ideas without criticism.
- Try to come up with as many ideas as possible.
- Speak one at a time so all ideas are heard.
- Encourage group members to suggest all ideas that relate to the problem.

Now, select a recorder and begin to brainstorm options on the back of this sheet.

STUDENT ACTIVITY SHEET #3C

Mediation Case Study Using Brainstorming

Complete this sheet with information from the newspaper story/comic. Please bring your story/comic to class.

1 Facts

What caused the dispute?

What does each of the disputants think the facts are?

Why is the problem coming up now?

2 Positions and Interests

What is the real reason for the dispute?

What exactly does each side of the dispute want?

3 Brainstorm Solutions to Problems

4 Discuss Pros and Cons of Possible Solutions

5 Sort, Combine, and Toss Out Some Ideas

6 Determine the Two Most Workable Solutions

STUDENT ACTIVITY SHEET #3D

Active Listening and Brainstorming Review Sheet

Skills Checklist for Observers

- ☐ Did the disputants face each other to discuss the problem? Explain.
- ☐ Did they make eye contact? Explain.
- ☐ Were they relaxed and attentive? Explain.
- ☐ Did the disputants ask good questions to make sure they understood the problem? Explain.
- ☐ Did the disputants explain how they wanted to resolve the dispute? Explain.
- ☐ Did the disputants repeat and summarize each other's statements and feelings in order to make sure that they understood? Explain.
- ☐ Did they brainstorm solutions to the problem? Describe the solutions.
- ☐ Did they discuss the pros and cons of potential solutions? Describe the pros and cons.

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STUDENT ACTIVITY SHEET

Managing Conflict in Real Life

Think of a conflict (either real or imagined) where disputants were not able to think of any options for handling their problem. What happened?

How could the situation be handled differently?

Brainstorm four options that you feel are available to the disputants. Identify the two best solutions and explain your reasons.

LESSON PLAN #4

What Is the Mediation Process?

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Identify the steps in the mediation process.
- Apply the process in two role-plays and analyze the results.
- Analyze and summarize the mediation process.

ACTIVITIES

1. Review and Preview

In preparation for this lesson, review "The Steps in a Typical Mediation." (Each student will need a copy of Student Activity Sheet #4E.) It is a good idea to use a conflict (like Bobby and Sammy) as an example when you go through the process. Explain that during this lesson participants will learn more information about each step. The overview will help participants see all the parts of the big picture as they move through the lesson.

2. Vocabulary

Students should learn or review the following vocabulary words and phrases which are important to the process:

- Mediation
- Interruption
- Confidentiality
- Summarize
- Options
- Alternatives
- Check for understanding
- Agreement
- Facts
- Issues
- Neutral
- Voluntary
- Paraphrase
- Feelings

3. Small Group Discussion—The Mediation Process

The mediation process is designed to be nonthreatening to the participants. The idea is to get the parties to discuss the facts and issues and air all feelings in as free and open a way as possible. Mediation is not an end result—it is a process. It is important for the mediators to understand the process well enough to feel comfortable and to ease the anxieties of the disputants. The more comfortable the mediators are with the process, the more easily they can assist the disputants as they move from step to step.

The mediators need to demonstrate both good listening skills and an ability to break up logjams as they appear. Remember that most mediation is focused on the future relationship of the disputants. This orientation asks how the disputants will live or work together in the coming days, weeks, and

months. The process does not try to establish blame, gain revenge, or impose punishment. Mediators enter a conflict because they believe that the mediation process will help the disputants solve their problem and get along better in the future. (In some cases the parties do not plan to have any future relationship after the dispute is over.)

Notes on Small Group Methods

The material in this lesson is central to the mediation experience for students. *The methodology for the session is central to the success of the overall experience.*

Students should be divided into small groups (3-5 students). Each small group should be asked to teach the rest of the class one or two of the steps in the process. (Use Student Activity Sheets #4A, #4B, #4C, and #4D. Each group gets one copy of its assigned sheet.) Each group also gets a copy of Student Activity Sheet #4E.

- Small Group A—Introduction (Step 1)
- Small Group B—Telling the Story (Step 2) and Identifying Positions and Interests (Step 3)
- Small Group C—Identifying Alternative Solutions (Step 4) and Discussing and Revising Solutions (Step 5)
- Small Group D—Reaching an Agreement (Step 6)

Each group should spend some time (15-20 minutes) identifying the key points in its assigned step(s) and then discussing how to present this information to the class. Group members will become experts in their step(s) of the process. You could suggest role-playing, simulation, and question-and-answer formats as possible ways for students to present the information.

Each group should then present its assigned step to the entire class. The groups should present in order (4-A through 4-D).

Students should be able to see the flexibility of the mediation process. Skilled mediators can always go back to a previous step in the process, whenever they feel it is necessary. This action is sometimes called the "loop-back." An example might be a situation where the disputants are moving toward agreement and suddenly one of them begins to discuss a new issue that has not been part of the discussion. In this situation the mediators might need to loop-back to an earlier step and clarify facts or try to generate more options in light of new information.

After the mediation process has been discussed thoroughly and each group has presented its information, distribute copies of Student Activity Sheets #4A-#4D to each student. Then use the questions for discussion to reinforce student knowledge about each of the steps in the process. The following information is a guide for what students should learn in each step.

STEP 1.
INTRODUCTION

The parties are welcomed and introduced to the two or three mediators prior to taking their seats. The mediators try to help the disputants feel at ease as they congratulate them for agreeing to mediate the case, discuss the importance of their voluntary participation, outline the ground rules and steps in a mediation, answer any questions about the process, and review the importance of confidentiality for all the participants. A key feature of mediation is confidentiality—allowing the disputants to discuss any aspect of the problem without concern that the information will be disclosed to anyone outside the process. Any of the participants, including the mediators, can take notes during this process. The notes of the mediators will be destroyed at the end of the session to ensure that what has been said during the mediation will remain confidential.

The following list outlines ground rules that need to be discussed and agreed upon by all participants prior to the mediation:

- All parties will remain seated during the mediation.
- Each party will have an opportunity to speak.
- No party may interrupt the other party.
- Any party may request a break at any time during the process.

The mediators should check with the disputants to see whether any additional ground rules are necessary, such as no swearing or name-calling.

This introduction is very important because it sets the tone for the mediation. If the mediators seem nervous, tired, or confused, the disputants will not have the confidence they need to proceed with the mediation. When more than one mediator is working in a session, it is a good idea to break the introduction into parts with each mediator taking a responsibility.

Seating arrangements are important for a mediation because they can create the feeling of cooperation and movement. For example, sometimes it is a good idea to seat the disputants next to each other and across from the mediators. This can create the feeling that they are working together toward some type of agreement. Poor seating arrangements can have negative effects. If the mediator sits on one side of the table with one of the disputants and the other disputant sits alone on the opposite side, the arrangement might convey the idea that the mediator is siding with one of the disputants.

One additional issue involves the site of the mediation. Choosing a neutral setting is an important part of setting up a mediation. The disputants need to feel that they can concentrate on solving the problem.

STEP 2.
TELLING THE STORY

During this step each party tells its story. It is the first time the mediator has heard the stories, and it is probably also the first time the disputants have heard the problem from the other person's perspective. These initial statements are frequently full of emotion. Both parties need to be given an opportunity to tell their story fully and without interruption. Allowing each to express his or her emotions will help move the process forward. If there are more than two disputants then each disputant tells the story from his/her perspective.

The mediator is an active listener during this step, responding with thoughtful silence, an encouraging nod, an occasional "I see what you mean." The idea is to give feedback to the speaker without judging. The mediator needs to assure the speaker that he/she is being heard. The mediator should paraphrase the speaker's words to provide this assurance and to promote a full explanation. The mediator listens actively and encourages each speaker to explain the problem as clearly as possible. The mediator focuses on identifying common issues and potential common ground.

After each party has told the story, the disputants are given an opportunity to ask each other questions to clarify the statements. Mediators should be prepared for some hostility during this questioning period. Allowing each side to question the other is a good way to check the understanding level of the disputants and straighten out any problems before moving to the next step. In addition, the mediators can ask each party to summarize the position of the other. ("What do you understand _____ to be saying?") The summaries should include facts and feelings as expressed by the disputant.

The disputants can decide who will tell their story first. Often it is the person who initiated the mediation. Sometimes it is a good idea to let the person who seems most agitated go first. Mediators need to be sensitive to issues of power between the disputants. For example, there could be a situation where the party who goes first is seen to dominate the other party. This situ-

ation could cause communication problems for the second party. Often the disputants will focus on the mediators when they begin telling their story. Gradually, as the mediation process moves forward, the disputants should begin to talk to each other.

STEP 3.
IDENTIFYING POSITIONS AND INTERESTS

It is important that both disputants are able to explain the facts as they see them. This step lays the foundation for the rest of the discussion. The mediator attempts to get the disputants to describe their positions and underlying interests, summarizes both sides without emotion, and checks frequently to see if the disputants understand each other. Some specific skills that a mediator can use during this step include paraphrasing, outlining, and clarifying. At all times, mediators remain neutral.

Often the mediator helps the disputants figure out the differences between their positions and their interests.

A **position** is the stand we take in an argument. It's what we demand from the other side. An **interest** is what we really want. It reflects our true needs, desires, and concerns.

Often people in conflict get stuck because they can't move away from their **positions** (what they are demanding) to focus on their **interests** (what they really need).

Disputants may find there are some things they have in common when given the opportunity to look at their interests, rather than their positions. It is the mediator's job to help the disputants uncover what they really need in order to find their **common ground**.

After the disputants have identified and described the problem, they decide what to work on first. The parties can work together to prioritize.

Mediators are responsible for the process while the disputants work through their problems. It is important not to intimidate the parties with questions about their positions. Asking clarification questions is different from cross-examining a witness in a trial situation. ("How did you feel when . . . ?") Mediators must avoid pitfalls like judging, counseling, or dominating the process.

Questions for Discussion
(Possible answers are in parentheses.)

1. *What is the purpose of the introduction in the mediation process?*
   (The purpose of this step is to put parties at ease, to establish ground rules and have parties agree to them, and to make certain that the parties understand the process.)

2. *What are two potential problems that can come up during the introductory step? How can each problem be handled?*
   (One potential problem is that one or more of the disputants is angry and seems unwilling to listen or agree to the ground rules. In this situation, slowing down the introduction to make sure each disputant understands that he/she will be given an opportunity to speak should be reassuring to the agitated party. Another potential problem could be the seating arrangement. If there is any question about the seating arrangement, the mediators should rearrange the room to promote comfort and cooperation.)

3. *Explain three important ideas that a mediator tries to convey in the introduction.*
   (These include the importance of the disputants' voluntary participation, the ground rules, and the steps in a mediation.)

4. *Why is seating important in a mediation setting?* (Seating arrangements can be used to promote a sense of cooperation and power balance.)

5. *What should a mediator consider when planning seating arrangements for a mediation?* (Mediators should try to create a feeling of comfort and cooperation. The seating arrangement should convey impartiality and fairness. If the disputants have any disabilities, they should be taken into consideration in the seating arrangements.)

6. *What is the purpose of the "telling the story" step of the mediation process?* (The purpose of this step is to expose the problem and to make certain that each disputant gets to tell the story as he/she sees it.)

7. *What are some potential problems that can arise during the "telling the story" step?* (One potential problem is interruption of the speaker by the other disputant. The solution is for the mediator to remind the parties that everyone agreed to the ground rules, including no interruptions. Another potential problem is heightened hostility during the questioning part of the step. The mediators should allow the parties to vent feelings. If hostility seems to be getting out of hand, however, the mediators can remind the parties of the ground rules. Mediators can also call for a break to allow a party to "cool off" if necessary.)

8. *What can the mediator expect to hear during the initial statements of the disputants?* (Mediators can expect to hear feelings mixed with facts during the initial statements of the parties.)

9. *How should note-taking be handled during a mediation session?* (To make the parties comfortable with the process, note-taking and confidentiality should be discussed. The mediator's notes will be destroyed at the end of the session.)

10. *What is the purpose of identifying positions and interests during the mediation process?* (During this step the parties clarify the problem. It is not enough to just describe the problem. The mediator tries to help the disputants to begin to consider what is needed to resolve the problem.)

11. *Why does the mediator attempt to summarize the facts as presented by each side during this step?* (The mediator summarizes to make certain all the facts are understood and the party has stated them as clearly as possible.)

12. *After the issues are identified what should be the next step in the process?* (The next step is to work together to prioritize the issues.)

13. *If the parties do not agree on some of the facts, what should the mediator do to clarify the situation?* (The mediator can ask more questions to determine the nature of the disagreement. These clarifying questions should try to separate the facts from the feelings of the parties. This task can be difficult. One method is to try to get the disputants to identify and explain their feelings in the course of the discussion. When feelings are not identified and acknowledged they can interfere with the rest of the process. This can be a source of confusion and frustration in a mediation.)

14. *What are three important skills a mediator needs to use frequently during this step?* (A mediator should paraphrase, outline, and clarify.)

STEP 4.
IDENTIFYING ALTERNATIVE SOLUTIONS

After the problems have been identified and prioritized, the mediator assists the parties in the search for solutions. One way to generate solutions is to brainstorm a list of possibilities. Every idea should be listed regardless of whether it is a realistic solution. Judgment is reserved, and all ideas are encouraged. Brainstorming allows people to hear ideas, and often one idea leads to another. Patience is important during this step. The solutions must come from the people with the problem. Mediators usually should not offer solutions. Sometimes it is difficult for people to think of options. Urging creativity during this step, the mediator could say, "Pretend that you are in charge and can develop any solution at all. What type of solution would you suggest?" If, after a substantial period of time, the parties have not come up with solutions that have occurred to the mediator, he/she may make a suggestion and ask whether it could or should be added to the list of potential solutions.

When the list of brainstormed alternatives is developed, the mediator should do a "reality check." The mediator should ask the disputants to describe the consequences of each of the suggestions. He/she could say, "What would happen if you never spoke to each other again? Is this realistic?" The reality check should eliminate all but the most workable solutions.

STEP 5.
DISCUSSING AND REVISING SOLUTIONS

The discussion can next focus on the most meaningful of the alternatives suggested. The mediator should encourage the disputants to discuss and think through the consequences of proposed solutions. Sometimes mediators will spur discussion by asking questions. Some examples:

- What would you like to see happen?
- How should we proceed?
- Would this solve the problem?
- Are there any possible problems connected with this solution?

The mediator continuously helps the disputants check reality—determine how realistic proposed solutions are. The disputants need to decide which of the solutions seem to be most effective and most comfortable. As the parties critique the potential solutions, they try out variations and combinations to develop the solution that best fits their mutual needs.

Questions for Discussion
(Possible answers are in parentheses.)

1. *Why is it important to generate as many options as possible when the parties are identifying alternative solutions?* (The more solutions there are, the more likely one or more will be helpful in solving the problem. People frequently let go of their biases and positions during brainstorming.)

2. *Why is brainstorming a good way for the parties to develop some ideas for resolution?* (Brainstorming provides a quick way to develop lots of ideas without judging the ideas.)

3. *Who comes up with the solutions during these phases? Why is this important?* (The possible solutions should come from the people with the problem. Disputants are more likely to uphold a final agreement they developed than one proposed by someone else.)

4. *What is the role of the mediator during this part of the discussion?* (The role of the mediator is to make certain that all the

ideas get on the list of potential solutions. In addition, the mediator facilitates the discussion of the pros and cons of each potential solution.)

5. *Discuss four skills that mediators should use during these two phases of a mediation.* (Brainstorming, patience, active listening, and evaluating are all important skills for moving the process along during this phase.)

STEP 6.
REACHING AN AGREEMENT

The agreement should be written down and each party should be given a copy of the final version. The best agreements are clearly written in simple, specific language (stating who, what, where, when, why, and how). To the extent possible, the agreement should be written in the language chosen by the parties. If there are timetables or schedules, these should be included in the agreement. All deadlines should be clearly stated.

Be as specific as possible and try to close all loopholes so that there is little opportunity for failure. The agreement should be balanced (i.e., the language of the agreement should be positive and both parties should gain from it.) There is no need to discuss blame in the agreement.

It is a good idea to include a sentence or two about what the parties should do if they feel the agreement is not being upheld. One common provision is that both parties will resume mediation if the agreement is not being followed. Providing for the possibility of a breakdown and the need for further assistance will help the parties in the event that some problem arises. When mediation occurs in the community, sometimes there is a need for a lawyer or someone else to look the agreement over before it is signed.

Remember that not all disputes that are mediated result in an agreement. Sometimes disputants cannot agree. When that happens the mediator should thank the parties for trying to use mediation to resolve their problem and encourage them to consider other available options that will meet their needs.

After the agreement is drafted it should be read, reworked, and discussed until all parties are comfortable. Everyone should sign the final version of the agreement including the mediator. All parties should be congratulated for working through the problems and developing an agreement.

Questions for Discussion
(Possible answers are in parentheses.)

1. *What is the importance of the agreement phase in a mediation?* (The agreement contains the final solutions of the two parties. The agreement focuses on the future relationship of the disputants.)

2. *The best agreements are written in clear language and include what six components?* (The components are who, what, where, when, why, and how.)

3. *Who should sign the final version of the agreement?* (The final agreement is signed by the disputants and the mediators.)

MANAGING CONFLICT IN REAL LIFE

Now that students understand the skills and the process they can start looking around to see who uses this information. Students can begin by looking around and thinking about who is good at handling conflict. Perhaps their mother, father, grandmother, friends, teachers, and/or principals are particularly good conflict resolvers. The students should use Student Activity Sheet #4F to survey the conflict resolvers in their lives.

Mediation Process–Step 1

You are part of Group A. You will become experts in the first step of the mediation process. Group A will have 15-20 minutes to identify the key points below and then decide how to present this information to the rest of the class.

Step 1: Introduction

These are the things you need to do and say. It is important to cover all the points listed, but it is OK to use different words and expressions. The more you practice, the more comfortable you will become.

- Welcome the disputants and introduce yourselves.
- Congratulate the disputants for deciding to come to mediation.
- Explain that mediation is a voluntary process for people in conflict to discuss their problems, develop options, and reach agreements that are acceptable to all. Also explain the five steps in the mediation process and answer any questions. (The process is outlined on Student Activity Sheet #4E.)
- Remind the disputants that what is said during mediation is confidential and that no information that is shared will leave the room.
- Explain that the role of the mediator is to listen and to help with communication, not to judge or to take sides.
- Remind everyone that they can take notes and that the notes will be thrown away after mediation.
- Explain and get agreement to the following ground rules:

  1. Everyone will remain seated during mediation.

  2. Each person will have an opportunity to speak, so please, no interrupting and no name-calling or put-downs.

  3. Anyone may request a break during mediation.

  4. Any other rules that the group decides are important.

The introductory statement is very important because it sets the tone for the mediation. Mediators can create an atmosphere of cooperation. One way that feeling of cooperation can be achieved is by seating the disputants next to each other and across from the mediators.

STUDENT ACTIVITY SHEET #4B

Mediation Process–Steps 2 and 3

You are part of Group B. You will become experts in the second and third steps of the mediation process. Group B will have 15-20 minutes to identify the key points in the two sections below and then decide how to present this information to the rest of the class.

Step 2: Telling the Story

This is the first time the mediator has heard the story, and it is probably the first time the disputants have heard the problem from the other person's perspective. The mediators should model good listening. Let the disputants decide who will speak first and be sensitive to levels of anger.

- Make sure each disputant has time to speak.
- Listen for the emotions being expressed. Give encouraging responses by nodding and saying things like, "I see what you mean" and "Tell me more about that."
- Paraphrase and repeat what you have heard to make sure you've understood correctly and so the disputants will know you heard them.
- Look for common issues and areas of potential agreement.
- Use questions to make sure you understand. Also invite the disputants to ask each other questions as a way of making sure they understand each other.
- Be prepared to interrupt if the disputants are really angry. Keep in mind that it's good for the disputants to express their true feelings.

Step 3: Identifying Positions and Interests

As the disputants move into this step, they may begin talking more to each other than to the mediators. It is important that the mediators allow the disputants to explain the problems as they see them.

- Identify the common problems for disputants as you understand them.
- Help disputants separate what they are demanding (position) from what they really need (interest).
- Summarize both sides without emotion and get agreement on exactly what the problems are.
- Encourage disputants to decide which problem to resolve first. Let the disputants work together to decide what issues are most important.
- Skills you will use during this step include paraphrasing, outlining, and clarifying. It's OK to ask questions as you guide this step. Always remember not to take sides. Avoid the pitfalls of judging and giving advice.

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STUDENT ACTIVITY SHEET #4C

Mediation Process–Steps 4 and 5

You are part of Group C. You will become experts in the fourth and fifth steps of the mediation process. Group C will have 15-20 minutes to identify key points in the two sections below and then decide how to present this information to the rest of the class.

Step 4: Identifying Alternative Solutions

After the problems have been identified and prioritized, the mediator helps the disputants look for possible solutions.

- Encourage disputants to brainstorm solutions by:
  1. Listing every idea.
  2. Not judging any idea.
  3. Being patient and giving time to think.
  4. Remembering that usually only the disputants offer solutions.
  5. Urging creativity by saying "Pretend you are in charge and can come up with any solution. What would you try?"
- Check to see if the suggestions are realistic by asking the disputants to explain what the consequences of their solutions might be.
- Ask the disputants to select the most workable solutions.

Step 5: Discussing and Revising Solutions

The mediators should encourage the disputants to discuss the consequences of possible solutions and look carefully at the best alternatives. Try asking some of these questions:

- What would you like to see happen?
- How should we continue this discussion?
- Would this solve the problem?
- Are there any problems that may occur because of the proposed solution?

As the disputants discuss and evaluate possible solutions, the mediators guide them toward developing the solution that best fits the needs of both parties.

STUDENT ACTIVITY SHEET #4D

Mediation Process–Step 6

You are part of Group D. You will become experts in the sixth step of the mediation process. Group D will have 15-20 minutes to identify the key points below and then decide how to present this information to the rest of the class.

Step 6. Reaching an Agreement

The agreement should be written down and each party should be given a copy of the final version. The best agreements are clearly written in simple, specific language (stating who, what, where, when, why, and how).

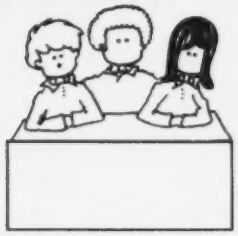
- Use the language chosen by the disputants wherever possible.
- Include schedules so disputants know when important parts of the agreement must be finished.
- Be as specific as possible and try to close any loopholes.
- Make sure the agreement is balanced and that each disputant is contributing to the agreement. The language should always be positive—never blame anyone.
- Remember to include a sentence that states the disputants agree to come back to mediation if the agreement isn't working. If they will agree to this condition, it provides some assistance if a problem arises later.
- Take time to discuss and rework the drafted agreement until all disputants are comfortable with it. The disputants and the mediators sign the final version, and the disputants are congratulated for their hard work.

Sometimes disputants cannot agree. When this happens mediators can hold a caucus with each disputant separately. A caucus is a confidential meeting where the disputant and mediator(s) can help explore roadblocks and/or additional solutions. This is not a regular step in the process but is available for mediators if necessary.

Sometimes disputants just cannot agree. The mediators should thank the disputants for trying to use mediation to resolve their problem and encourage them to use other available options that will meet their needs.

STUDENT ACTIVITY SHEET #4E

Steps in a Typical Mediation



Step ❶ Introduction

The mediator makes the people involved in the dispute feel at ease and explains the ground rules. The mediator's role is not to make a decision but to help the people decide on something to which they both can agree. The mediator explains that mediators do not take sides or tell anyone else what is said during the mediation.

Step ❷ Telling the Story

Each person tells what happened. The person who brings up the problem usually tells his/her side of the story first. No interruptions are allowed. Then the other person explains his/her side. These people are the disputants.

Step ❸ Identifying Positions and Interests

The mediator tries to make certain that each disputant is clearly understood by listening carefully to each side, summarizing each person's view, and asking questions. Sometimes the mediator will encourage the disputants to ask questions and summarize each other's point of view in order to check for understanding.

Step ❹ Identifying Alternative Solutions

The disputants think of possible solutions to the problem. The mediator makes a list and then asks each disputant to explain his/her feelings about each possible solution.

Step ❺ Revising and Discussing Solutions

Based on the feelings of the disputants involved, the mediator may help the disputants change some of the possible solutions and identify a better solution to which the disputants can agree.

Step ❻ Reaching an Agreement

The mediator helps the disputants reach an agreement that both can accept. The agreement is written down. The disputants also discuss what will happen if they find out the agreement isn't working for them.

STUDENT ACTIVITY SHEET #4F

Managing Conflict in Real Life

Who do you know who seems to do a good job handling conflict?

What characteristics make you feel that these people are good at handling conflict?

What characteristics do you feel you have that help you to handle conflict?

What characteristics do you feel you need to work on to handle conflict better?

LESSON PLAN #5

Introduction to the Case

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Identify the disputants and problems involved in the case.
- Arrange the facts on a timeline.
- Identify the feelings of each disputant.
- Write a paragraph describing the problem as viewed by the disputants.

ACTIVITIES

1. Review the Mediation Process and Preview Scenario #1

Distribute copies of Steps in a Typical Mediation Process (Student Activity Sheet #4E), and review the key points with participants. Then distribute the first case (Mediation Scenario #1, The Mad Hatters, found in the last section of this guide) to the class. This scenario will be used for lessons #5, #6, and #7. Class discussion should focus on understanding and discussing the problems from the various perspectives of the disputants.

2. Facts and Feelings

One way to understand the case is to make a fact line in which facts are ordered chronologically. This approach is especially helpful because it gives students a sense of how conflict escalates between disputants. Organize students into small groups (3-5 students), each with a facilitator and a group recorder. Each group should have Student Activity Sheet #5A. The following tasks should be handled by each small group:

- Develop a fact line for the case.
- List the issue(s) in the case.
- Brainstorm a list of feelings from the perspective of each of the disputants.
- Identify the positions of the disputants. What are the interests of each disputant?

The groups should be given about 20 minutes to complete the tasks. The group recorder should be prepared to share the results of the group's work with the rest of the class. Special care should be taken to review the difference between positions and interests in the case.

A *position* is the stand we take in a dispute. It's what we demand from the other side. An *interest* is what we really want. It reflects our true needs and concerns.

When the groups have completed their reporting, the following questions should conclude the discussion:

- Is there any information missing? What questions would you like to ask the disputants?
- How would the missing information help you understand the case?

- Why is it important that the disputants discuss and understand the facts and feelings of the dispute?
- What part does active listening play in getting out the facts and feelings of the case?
- What is the position of each disputant? What is the real interest of each disputant?

MANAGING CONFLICT IN REAL LIFE

Can you think of a time when your feelings got in the way of solving a problem? How can you use feelings as a strength in resolving conflict? Why is it important for a mediator to understand the effect of feelings on disputants? Describe a time when your feelings got in the way of solving a problem. (Use Student Activity Sheet #5B.)

Introduction to the Case

Fact Line

Feelings

Issues

Disputant	**Disputant**
Position	**Position**
Interest	**Interest**

Managing Conflict in Real Life

Describe a time when your feelings got in the way of solving a problem.

How can feelings be positive when you are involved in a conflict? How can they be negative?

Why is it important for a mediator to understand the effect of feelings on disputants?

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LESSON PLAN #6

Disputant and Mediator Preparation

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Describe the facts of the situation from one particular perspective.
- Identify two workable solutions to the problem.
- Discuss the consequences of each of the proposed solutions.

ACTIVITIES

1. Disputant and Mediator Preparation

After the preliminary analysis of the facts and disputant feelings has been completed (Lesson #5), students should focus on the various roles of people within a mediation. These activities will help students "walk in someone else's shoes" and help them understand the issues from a variety of viewpoints.

Divide the class into small groups (3-5 students). Each small group should have a facilitator as well as a group recorder who will share the results of the small group discussion with the rest of the class. Each group should be assigned to examine the first case (Mediation Scenario #1, The Mad Hatter, found in the last section of this guide) from the perspective of either the students, the principal, or the mediators. This strategy immerses students in looking at a problem from one perspective.

Make certain that each group understands the assignment. If the class is large, you may want to have more than one group prepare for the roles of the principal, student, and mediator.

TEACHER INSTRUCTIONS TO THE SMALL GROUPS

Group A: Use the disputant perspective sheet (Student Activity Sheet #6A) to discuss the facts from the perspective of the disputant you have been assigned. Be sure to consider all the questions so the disputant will have a fully developed position when the mediation begins.

Group B: Use the disputant perspective sheet (Student Activity Sheet #6A) to discuss the facts from the perspective of the disputant you have been assigned. Be sure to consider all the questions so the disputant will have a fully developed position when the mediation begins.

Groups C and D: Take notes on Student Activity Sheet #6B as you work through a typical mediation. The information from Lesson #4 can help you refresh or develop some of these special skills.

Try to spend some extra time with the students who are working to understand the mediation process. These students will eventually be working in pairs to handle the mediation between the disputants. They will need to be comfortable with the process.

Students should work in their small groups for at least twenty minutes. The group

recorder should summarize the work of the group and share it with the rest of the class.

When you set up for the mock mediation, you should take one student for each disputant group and two mediators. This creates a new four-person group with students who are thoroughly prepared.

2. Resources

This would be an excellent time to bring in some resource people who work in the field of mediation and conflict management. The involvement of a mediator would give a sense of realism to the activity and expose students to careers in which resolving conflict is important.

MANAGING CONFLICT IN REAL LIFE

Students should write a first person paragraph describing the facts and feelings of the person whose perspective they have been considering (Student Activity Sheet #6C). Mediators should describe their feelings about the process and its potential use for resolving problems.

Do you think that the disputants will be able to see each other's perspective? How will it help if they are able to see the problem from each other's perspective?

STUDENT ACTIVITY SHEET #6A

Disputant Preparation

Role: _____

Brainstorm a list of your concerns. Choose the three concerns that are most important to you.

What do you think the problem is?

How do you want the problem solved?
What are your interests?

List all your possible positions and interests in this dispute.

List two workable solutions.

What do you expect from the mediator?

STUDENT ACTIVITY SHEET #6B

Steps in a Typical Mediation

Fill out the sheet using information from the disputants.

Step ❶: Introduction

Step ❷: Telling the Story

Step ❸: Identifying Positions and Interests

Step ❹: Identifying Alternative Solutions

Step ❺: Revising and Discussing Solutions

Step ❻: Reaching an Agreement

STUDENT ACTIVITY SHEET #6C

Managing Conflict in Real Life

What were the facts and feelings of the disputant you have been considering? If you were a mediator, describe your feeling about the process and its potential use for solving problems.

LESSON PLAN #7

The Mock Mediation

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Conduct a mock mediation, correctly follow the sequence of steps, and use mediation skills.
- Role-play as mediators and disputants.
- Demonstrate skills in active listening, brainstorming, questioning, explanation and summation, critical thinking, and writing an agreement.

OVERVIEW

This lesson gives students the opportunity to try the mediation process. Students will be able to see if they really understand and can apply what they have learned.

Mock mediations can be held in a classroom or community setting. With some practice and polish, larger events could be planned among several classes within a school or as an event where several schools send students to participate. In a community setting, special opportunities to celebrate might include a "Conflict Resolution Day," or a special evening event.

When preparing for the first mediation presented by students, be sure to factor in additional time for learning the process and debriefing the experience.

PREPARATION OF MATERIALS

Materials for students include Steps in a Typical Mediation (Student Activity Sheet #4E), Stages in the Mediation Process (Student Activity Sheet #6B), and the dispute preparation materials including the problem statement and background materials on the case.

PROBLEM STATEMENT AND DISPUTANT INFORMATION

Choose a mediation scenario and reproduce copies for participants. (See p. 89 or develop your own.) Disputants are given a basic scenario and their role-play. Mediators are given only the scenario section.

This information is given to help students understand their roles in the dispute; *it should not be treated as a script*. Involvement in identification of issues and feelings, analysis of materials in the packet, and the planning for the mediation stages is a very important part of the learning experience. Scripting by the instructor or the participants in preparation for the mock mediation will detract significantly from the learning experience.

TIME FACTORS

The first time you conduct a mock mediation, students will require more preparation time because they will be learning both the basic skills and the process. After the initial experience the time will vary depending on the complexity of the issue and the number of disputants.

There are no prescriptions for the exact length of time necessary for a mock mediation. It can range from an impromptu event taking place in the classroom within one fifty-minute class period to a two-hour or longer

presentation conducted after several days of preparation.

INVOLVING ALL STUDENTS

The ideal mock mediation involves every participant in both the substance and the process. This requires careful planning but the results are worth the effort. Following are suggestions for involving all students in the mock mediation activity.

SMALL GROUP PREPARATION

In order for a mock mediation to succeed, students must work together cooperatively. The small group activities included in the mock mediation lesson plans encourage students to practice vital teamwork skills.

Lesson 5 provides the method for establishing the membership of the small groups to prepare and design the work plan for the mock mediation. For the purposes of preparation, every student should be involved in a small group. It should be clear to all students that their participation is required for the group to perform at its best.

ROLE ASSIGNMENTS

Each student in the small group will have a role assignment (mediator, disputant, observer) in one of the mock mediations. These lesson plans postpone the assignment of roles until students have learned the process. The longer every student remains a candidate for all roles, the higher the level of interest in the preparation. Lesson 6 provides the opportunity for students to establish themselves in specific roles.

MEDIATOR, DISPUTANT, AND OBSERVER ROLES

Each mock mediation has at least two disputants and one or two mediators. (Many of the scenarios in the back of this manual have two or more disputants and mediators.) A total of four to seven students can be actively involved in each mediation.

Some students may observe and provide feedback to the participants after the experience (Student Activity Sheet #3D). All students should be observers at some time so that they have the opportunity to watch an entire mediation. You may want students to present their mediations sequentially so that they can learn from each group.

In some classes more than one mediation will occur at the same time. For example, in a class of 25 participants, four or five mediations could occur simultaneously.

SELECTING AND INSTRUCTING THE MEDIATORS

Many mediation programs around the country use two-person mediation teams. Some also use three-person teams. Students should work in two- or three-person teams. Whenever teams are used, choose one person to be the lead mediator. You may decide or let the students decide jointly. When making this decision, consider each student's understanding of the mediation process and his/her ability to work cooperatively with other students, ask questions, and facilitate the work of classmates. Co-mediation requires that mediators work together as a team. All students should eventually play the lead mediator role. Co-mediation is a skill that takes practice. This is a key component to successful mediations.

OBSERVERS

You may want to establish a group of student observers to monitor each mediation. The Skills Checklist for Observers (Student Activity Sheet #3D) will assist in preparing observers for their roles. Even if you intend to involve some students as observers, those students should still participate in the small groups during the mediation preparation sessions. All students should eventually play the role of observers during preparation. As observers they will be able to analyze the importance of using the skills and learn to give constructive criticism to classmates.

During the preparation period, all students could rotate through the observer role to gain insights into the process and to practice giving constructive feedback to classmates.

MEDIATION ASSISTANCE

Students preparing for a mock mediation find the participation of a practicing mediator extremely helpful. You can probably find a mediator in your community who will volunteer. There are many good community mediation programs around the country including Neighborhood Justice Centers, dispute settlement programs, and others based at state and local courts, schools, universities, and bar associations. Aside from demonstrating that real people use this process in everyday life, the mediator can answer specific questions about preparation, ethics, mediation contracts, and details of the process, and can assist with any problems that emerge in the course of the mock mediation.

If you recruit a mediator as resource person be sure to take the time to explain the educational objectives of the program and the students' familiarity (or lack thereof) with the process.

Local mediation centers can also help by supplying scenarios based on real life situations. This enables students to relate the use of mediation to the types of problems that arise in their community.

EVALUATION

Evaluation helps students who are involved as disputants and mediators understand the mediation process and improve their ability to work cooperatively to resolve problems. Evaluation is more focused than the informal observer role. You need to make several decisions about how students' participation will be evaluated. Is the activity intended for scored feedback and/or grades? Will the evaluation be formal or informal? Whether the mediation is evaluated by other students, the teacher, or an outside resource person, the specially designed evaluation sheet is a good mechanism for conveying thoughtful information on each student's participation. Here are some suggestions that might help with this decision:

- If the evaluator is to be a student, he/she must learn the mediation process well, think about each part of the process and how it is being applied, and give thoughtful feedback to peers.
- High school peer mediators could be very good at evaluation and would have the added benefit of serving as cross-age role models for elementary students.
- The teacher may choose to be an evaluator.
- A mediator, law student, or lawyer may be invited to act as an evaluator. This arrangement is most appropriate when students have spent more than just a day or two preparing. Working with a person who has a mediation background can greatly enhance the experience for students.
- Spend some time meeting with the resource person to prepare him/her for the evaluation experience. Review the educational objectives and the stages in a mediation process so that the resource person is comfortable with the entire classroom strategy.

The evaluation form Student Activity Sheet #7A of this manual was designed to give complete and thorough feedback to students participating in mock mediations. It emphasizes the skills needed by mediators at various stages in the process and stresses feedback designed to improve those skills in the future. The evaluation sheet also provides feedback for the disputants. Their role is important to the success of the mock mediation, and this feedback will help them learn to present problems from their particular perspective and participate in seeking workable resolutions to disputes.

It is also a good idea to provide students with information about the evaluation criteria and materials prior to the mock mediation. This allows the students to see how they are

being evaluated and provides a concrete, concise model for self-evaluation.

ROOM ARRANGEMENT

Seating arrangements are an important part of the set up for mediation. They can create a feeling of cooperation and movement. For example, sometimes it is a good idea to seat the disputants next to each other and across from the mediators. This can create the feeling that they are working together. On the other hand, if the mediator sits on the same side of the table with one of the disputants and the other disputant sits alone on the opposite side, the arrangement might convey the idea that the mediator is siding with one of the disputants against the other. Students need to understand the subtleties that can be communicated through the seating arrangement. The idea is to create a situation where the participants can work together toward resolution of their problem. Participants could sit in a circle, square, or triad where eye contact and conversation can be easily facilitated.

MEDIATION AS A SPECIAL EVENT

If the mock mediation will be a special event with a large number of spectators, you might want to hold the proceeding in a larger room that allows spectators to sit all around the disputants and the mediators. If the participants need microphones and/or audio equipment, be sure to make the necessary plans several days in advance.

This sort of "showcase" event should only be done after the students have been involved in several classroom activities and have a good grounding in how the mediation process works.

CHECKLIST

If you decide to organize a bigger event to celebrate the fact that students are learning to manage conflict, here's a handy checklist to help with preparing for, presenting, and following up. (See p. viii for mediation showcase information.)

1. Select mediation scenario.
2. Sketch out time frame for the teaching of the lessons and the final mediation experience.
3. Locate a community mediation resource person and discuss involvement, including a possible field trip to a mediation center.
4. Adapt lesson plans to meet the needs of your students.
5. Select materials for students.
6. Copy materials for students.
7. Write press release and begin to contact media for coverage of student mediations.
8. Begin student preparation.
9. Identify mock mediation scorers.
10. Brief scorers on the process.
11. Select site for the mock mediation experience.
12. Complete student preparation.
13. Present mock mediation.
14. Debrief mediation with students.
15. Draft thank-you notes to all involved and wrap up additional issues.

MANAGING CONFLICT IN REAL LIFE

Have students write a brief paragraph describing their feelings about the way the mediation worked out. Students should include their feelings about whether the agreement was fair to both sides and whether it will be upheld by the disputants. Activity Sheet #7C may be copied and used with all mediation scenarios.

STUDENT ACTIVITY SHEET #7A

Evaluation Standards

What Good Mediators Do

The following is a general list of skills for mediators to practice in order to work effectively with disputants. Remember that your experiences and best judgment, combined with these skills, are the basis for helping participants learn from their participation in mock mediations.

Good mediators...

- Establish a feeling of trust with the disputants and help them feel as comfortable as possible.
- Help establish fair process by listening carefully to both sides.
- Help the disputants to explain their stories.
- Help each disputant understand the problem from the other disputant's point of view.
- Clarify and identify facts and issues raised by the disputants.
- Help identify key interests of each disputant.
- Help the disputants brainstorm many different ideas for resolving their problems.
- Help the disputants make good choices from the different ideas brainstormed.
- Conclude the mediation by helping disputants write an agreement or by helping them reach a conclusion that mediation will not satisfy the problem and helping them explore other options.
- Summarize the experience with disputants and thank them for participating.

Summary: Thinking About the Evaluation

The more opportunities you have to practice mediation, the more comfortable you will become with the mediation process. Like riding a bike or playing an instrument, being a mediator can become a skill for you. Be patient, understanding, and kind with yourself and your fellow students as you are learning. Have fun!

STUDENT ACTIVITY SHEET #7B

Evaluation Standards Checklist (p. 1 of 3)

Record the following information:

Mediator _____ Disputant 1 _____

Mediator _____ Disputant 2 _____

Date _____

Teacher _____ School _____

Step 1: Introduction

The mediator(s) put everyone at ease and explained the mediation process and ground rules. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Remarks:

Step 2: Telling the Story

The mediator involved both disputants in explaining the problem. Each side had a fair chance to explain the situation. The mediator used active listening techniques and focused the discussion without judging. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 1 clearly outlined the problem from his/her perspective and participated in the discussion. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 2 clearly outlined the problem from his/her perspective and participated in the discussion. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Remarks:

STUDENT ACTIVITY SHEET #7B

Evaluation Standards Checklist (p. 2 of 3)

Step 3: Identifying the Positions and Interests

The mediator helped the disputants explain their positions and interests. The mediator helped the disputants identify interests and involved them in trying to see the issues from different perspectives. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 1 identified interests and participated in the discussion. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 2 identified interests and participated in the discussion. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Remarks:

Step 4: Identifying Alternative Solutions

The mediator helped the disputants brainstorm a list of possible solutions. The list was developed without anyone judging the ideas. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 1 thought of possible solutions and participated in the discussion. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 2 thought of possible solutions and participated in the discussion. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Remarks:

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STUDENT ACTIVITY SHEET #7B

Evaluation Standards Checklist (p. 3 of 3)

Step 5: Revising and Discussing Solutions

The mediator involved the parties in discussion about each solution. The mediator identified the solutions that each disputant thought were the best for resolving the problem. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 1 was involved in discussing possible solutions. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 2 was involved in discussing possible solutions. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Remarks:

Step 6: Reaching an Agreement

The mediator checked each of the suggested solutions to see if it was realistic and would solve the conflict. The mediator wrote the agreement and had everyone sign the agreement. If no agreement was reached, the mediator helped the disputants explore other options; getting an agreement is <u>not</u> a criteria for success. Mediator congratulated the disputants for working on their problem by using the mediation process. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 1 discussed and identified realistic solutions. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Disputant 2 discussed and identified realistic solutions. (Check one.)

☐ Excellent ☐ Good ☐ Needs Improvement

Remarks:

STUDENT ACTIVITY SHEET #7C

Managing Conflict in Real Life

NAME:

What role did you play in the mediation?

_____

Write a paragraph describing your feelings about the way the mediation worked out. Be sure to include your thoughts about whether the agreement was fair to all sides of the dispute and whether you think the disputants will follow the agreement.

Give specific examples from the mediation that support your ideas.

LESSON PLAN #8

Debriefing the Mock Mediation

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Analyze the mediation process.
- Evaluate the effectiveness of the mediation process.
- Critique the agreement reached by the disputants (or if no agreement, why?).
- Compare and contrast the mediation process with other forms of dispute resolution that might have been available to the disputants (e.g., school disciplinary process, arbitration, court, or parental involvement).

ACTIVITIES

1. Evaluators

You may want to organize the feedback session to allow the evaluators to lead the discussion. *Each evaluator should have completed written feedback on the Evaluation Standards, Activity Sheet #7B.*

2. Small Group Discussion

A team approach can be used to structure feedback for each mediation. Small groups should be composed of the same mediators, disputants, and evaluators who participated in or watched the mediation. The evaluators should use the Evaluation Standards as a foundation for discussion of the mediation.

Debriefing Questions

Following are some additional questions you may want to discuss with the class during the debriefing:

SETTING THE STAGE

- Did the mediators put the disputants at ease during the initial phase of the mediation?
- Did the mediators do a good job explaining the mediation process to the disputants?
- Was the seating arrangement good for the mediation process?

HELPING WITH "TELLING THE STORY"

- Did the disputants feel that they had the opportunity to tell their sides of the story?
- Did the mediators help the disputants clarify their stories?
- Did the mediators summarize carefully—did they accurately reflect the facts and feelings discussed by the disputants?
- How did the disputants feel about the "telling the story" step of the mediation?

ACTIVE LISTENING

- Did the mediators actively listen to the disputants?

- Did the disputants feel that they were heard and understood?
- Did the mediators reflect the feelings of the disputants?
- Did the mediators summarize the statements of the disputants?
- Did the disputants ask each other questions about the situation?
- Were the mediator's questions helpful to the disputants?
- Were there any questions a disputant did not feel comfortable answering?
- How did this questioning help or hinder the process?
- Were there any questions that might have helped move the process along when the mediators got stuck?

TARGETING THE INTERESTS

- Did the mediators move the disputants from their stated position to discussing their real interests?
- Were the interests identified the real source of the problem?
- Did the mediators summarize the interests correctly?
- Did the mediators check for understanding among the participants?

FINDING ALTERNATIVES

- Did the search for alternatives identify some workable solutions to the problems of the disputants?
- Did the mediators list all the ideas generated during this phase?
- Did the mediators work with the disputants to see which solutions were most likely to solve the dispute?

THE DISPUTANTS' SATISFACTION

- Did the agreement address the interests of the disputants?
- Did the disputants seem satisfied with the agreement?
- Do you think the agreement will be upheld by the disputants?
- If there was no agreement, what happened?

Any point that needs additional clarification should be discussed. If possible, have a trained mediator available as a resource during this part of the discussion so students can compare what happened to them with what might happen in a real mediation.

MANAGING CONFLICT IN REAL LIFE

Students should be encouraged to think about times when a conflict could benefit from mediation (Student Activity Sheet #8A).

STUDENT ACTIVITY SHEET #8A

Managing Conflict in Real Life
What Do You Think?

Describe a conflict that you feel could be helped by mediation. Why do you think mediation would work?

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SCENARIOS

There are twelve scenarios in this section. They are to be used for role-plays and to provide sample conflicts for practice in mock mediations.

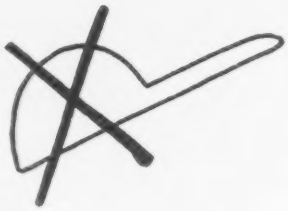
Each scenario contains a list of the roles, a statement of the scenario, and descriptions of the dispute from each disputant's perspective. The names of the disputants are blank so that students can fill in the names they would like to use. When giving out the roles the mediator(s) needs only the scenario section while each disputant should have the scenario section and his/her role.

In addition to these scenarios, you can use any dispute as the subject for a mediation. Students could create their own scenarios. Newspapers, books, actual community disputes of all types, national and international disputes, and historical disputes can also be the basis for the mediation experience.

MEDIATION SCENARIO #1

THE MAD HATTERS

PARTICIPANTS



_____(Student#1)

_____(Student#2)

_____(Principal)

SCENARIO

Last week _____ (principal) announced a "no hat in class" dress code. Students are angry about the new rule. The students believe that they have the right to wear whatever they want to school. The students feel that _____ (principal) has taken the code too far. _____ (principal) believes that hats are a sign of disrespect when worn in class and are responsible for the recurring lice epidemic in the school.

_____ (#1) and _____ (#2) decide to wear their hats as a protest against the school's dress code policy. _____ (principal) hears about the plan and reminds all the students that they will be in trouble if they go through with it. _____ (#1) and _____ (#2) have requested a meeting with _____ (principal) to discuss getting the policy changed.

ROLE-PLAY PARTS

_____ (Principal)

You believe that hats worn in class are disrespectful. Hats are not worn inside most restaurants or theatres and are not worn even when visiting family and friends at home. In addition, the school has been having a terrible problem with head lice. Students share hats and leave their hats on other students' property. In this way, the lice travel from student to student. Parents are complaining and the school nurse is overwhelmed.

_____ and _____ (Students)

Most of the students agree with you that the "no hat rule" is unreasonable. Many of the students plan to come to school on an arranged day wearing hats to protest the policy. The principal said anyone wearing a hat will be disciplined. Students believe that they have a constitutional right of free expression, which includes wearing hats. They feel that the principal should not keep students from wearing what they want. The students think the lice problem has nothing to do with hats.

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MEDIATION SCENARIO #2

Kicking and Screaming

PARTICIPANTS

_____(Kid)

_____(Parent/s)

SCENARIO

_____ (Kid) came home from school with a poor report card. He/she got into a huge argument with _____ (Parent/s). Everyone was screaming. _____ (Kid) said something that hurt _____ (Parent/s) and was grounded for the weekend. _____ (Kid) ran out of the room, slammed the door, and then kicked a hole in the screen door. _____(Parent/s) grounded _____ (Kid) for a month. _____ (Kid) is not allowed to see friends after school or play on the soccer team and is expected to pay for the repairs on the door. The family decides to take the dispute to the community mediation center.

ROLE-PLAY PARTS

_____(Kid)

You think your parents are too strict. Not everyone can be an "A" student. You don't really like school all that much and think that grades are stupid anyway. You never do very well on tests, but you think you know the class material. You're sick of being compared to your older brother, who always made good grades. You think your parents are being totally unreasonable. A month is too long to be grounded. You can't believe they are going to make you quit the soccer team. How can you pay for the door if you can't get a job? None of this is going to make you do better in school. More studying will not make you do better in school. The classes are boring and you are not interested.

_____(Parent/s)

_____(Kid) needs strict limits. By being tough on him/her, you believe he/she will get better grades on the next report card. School is very important and good grades are the only way to get ahead. _____ (Kid) needs to concentrate and take school seriously. If no socializing and no sports is the solution, then so be it. You cannot tolerate your child saying anything to you that is disrespectful. He/she must be punished. He/she will have to pay to replace the door. Sometimes you wonder why he/she can't be more like your older child, Thomas. Thomas always did well in school. The tension in the house is really a problem. You are all constantly fighting with each other. You just want _____ (Kid) to be motivated so that he/she can do well and have a good future.

MEDIATION SCENARIO # 3

THE MALL

PARTICIPANTS

_____ (12 year-old student)
_____ (Friend)
_____ (Store owners)
_____ (Friend)

SCENARIO

_____ (Student) likes to go to the mall and look around in the stores. _____'s (Student) parents do not like the idea of_____ (Student) going to the mall alone. She/he can go with friends because the parent believes it is safer with a group.

Recently, a number of stores have experienced some shoplifting and vandalism. As a result, the stores have made a weekend policy that no one under sixteen can enter a store without a parent or guardian. The weekday policy limits the number of kids that can enter a store together to two. Other kids have to wait outside until the pair inside leave. Stores have threatened to call the police if the kids give them any trouble about the new policy.

This policy makes _____ (Student) and her/his friends angry. They feel it's unfair. They do not want to disobey their parents' rules, and they do not want to get in trouble with the law. The manager of the mall suggests that a meeting should take place between the kids and the store owners.

ROLE-PLAY PARTS

_____ (Student), _____ (Friend), and _____ (Friend)
First of all, you don't like the idea that you are constantly under suspicion. Just because some other kids may have caused trouble before, doesn't mean you should have to pay the price for their actions. You don't want to go against your parents' wishes. You think the rule is unfair because people should have the right to shop where they want, with as many people as they like, no matter how old or young they are. Why is the rule only directed at young people? You are also angry because you spend a lot of money at the mall, buying sweatshirts, sneakers, CDs, magazines, and candy.

_____ (Store owners)
The policy is necessary based on the rise in shoplifting, theft, and vandalism that have taken place at the mall. The kids scare paying customers away—they are intimidating because they are noisy and travel in "packs." They roam around messing up the shelves and touching merchandise. It is hard to keep an eye on them and still conduct business. The kids are disruptive. They yell to each other and talk back when you ask them to keep it down. They are rude when asked if they want to buy something.

MEDIATION SCENARIO #4

FOOD FIGHT

PARTICIPANTS

_____(Student #1)

_____(Student #2)

SCENARIO

_____ (#1) and _____ (#2) were eating in the cafeteria. _____ (#1) saw _____'s (#2) chips and cookies piled high on the tray. _____ (#1) said to a friend in a loud voice, "Can you believe all this food? No wonder his/her clothes are so tight!" Everyone at the table laughed and stared. _____ (#2) crumpled up the chip bag and threw it in _____'s (#1) face, yelling, "At least my mother cares enough about me to make my lunch. You don't even know where your mother lives." _____ (#1) started a food fight and the lunch room aide referred the students to mediation.

ROLE-PLAY PARTS

_____ (#1)

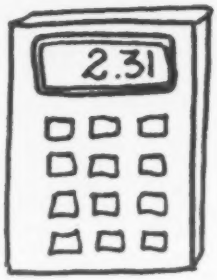
You were eating your lunch at the table, talking to your friend. All of a sudden _____ (#2) throws a chip bag in your face. He/She insults you in front of your whole class. You are angry and embarrassed.

_____ (#2)

You were eating your lunch at the table, minding your own business. One of the kids insults you in front of your whole class. You are embarrassed and angry.

MEDIATION SCENARIO #5

IT'S NOT FAIR



PARTICIPANTS

_____ (Kid #1)

_____ (Kid #2)

SCENARIO

_____ (#1) and _____ (#2) were in math class. Everybody was studying double-digit multiplication. The teacher assigned twenty math problems to be completed in class. Whatever was not completed in class became homework. When _____ (#1) was on number ten and time was almost up, he/she heard _____ (#2) say, "I'm finished," and watched _____ (#2) put the calculator in his/her backpack. _____ (#1) yelled to the teacher, "It's not fair that _____ (#2) is allowed to use a calculator and the rest of us can't!"

ROLE-PLAY PARTS

_____ (#1)

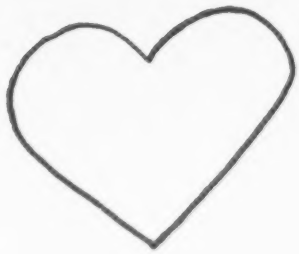
You were in math trying to finish twenty multiplication problems in class so you wouldn't have any homework. It takes a lot of time to finish your work like the teacher wants it. It's not fair that _____ (#2) can use a calculator. He/She never has homework!

_____ (#2)

You were using your calculator to finish the math problems. The teacher knows about your learning disability but the kids don't. You're smart, but you can't remember your basic facts. You understand concepts, but need the calculator to help with math. Kids wear glasses to see better and nobody would ever expect them to read without their glasses. Your calculator is a tool for you like glasses are a tool for other kids.

MEDIATION SCENARIO - #6

RUMOR FACTORY



PARTICIPANTS

_____ (Kid #1)

_____ (Kid #2)

SCENARIO

_____ (Kid #1) was talking to _____ (Kid #2) about how _____ (Kid #1) liked the new kid in your class. The next day everybody teased _____ (Kid #1). They said, "We know who you love." Some friends convinced you to go to a mediator.

ROLE-PLAY PARTS

_____ (Kid #1)

You told your friend that you liked the new kid. You trusted your friend not to blab it around. You never tell anybody secrets that your friend tells you. Now the kids are teasing you and the new kid ignores you.

_____ (Kid #2)

Your friend told you how much he/she really liked the new kid in the class. You told one other friend the news and he/she promised never to tell anybody else.

MEDIATION SCENARIO #7

YOU'RE GONNA WHAT?

PARTICIPANTS

_____(13 year-old youth)

_____(Parent)

SCENARIO

There is a party two weeks from Saturday and all the kids are going. _____ (Youth) knows he/she has to ask his/her parents for permission because it's his/her first boy/girl party. _____ (Youth) excitedly asks for permission to go. _____ (Parent) says yes you can but first _____ (Parent) wants to call and speak with the parents of the friend who's having the party. _____ (Youth) can't believe they would embarrass him/her like this! Some friends suggest that the family go to mediation.

ROLE-PLAY PARTS

_____ (Youth)

You asked your parents for permission to go to the party. You told them everything about the party. They said, "Yes," but then ruined everything by insisting on calling your friend's parents. They obviously don't trust you. There's no reason for them to think there will be no parents at the party just because they've heard stories about other kids having parties without parents in the house. Your friends are great!

_____ (Parent)

Your child asked your permission to go to a party. As a parent you know how important it is to touch base with other parents about what your kids are doing. You enjoy meeting the parents of your child's friends because your child has really neat friends. You also think it's important to confirm the details and offer your help.

MEDIATION SCENARIO #8

ACCIDENTALLY ON PURPOSE

PARTICIPANTS

_____(Youth #1)
_____(Youth #2)
_____(Youth #3)

SCENARIO

_____ (#1) teases other kids all the time. About a week ago she/he took a book from _____ (#2) while they were riding the school bus home. In order to get on her/his nerves, _____(#1) held the book out the bus window and it accidentally dropped onto the road. Since the bus was moving the book was never found.

Yesterday, _____ (#1) did the same thing with a hat belonging to _____(#3), one of the friends of the kid who had lost the book. Both of them are angry at _____ (#1) and are not sure how to stop these pranks. They have all agreed to sit down and discuss the problems with a mediator.

ROLE-PLAY PARTS

_____(Youth #2)
You were riding the bus home when _____ (#1) grabbed your book and held it out the bus window. She/he dropped it and you had to pay for a new one. She/he said that it was an accident, but this wasn't the first time. You are really angry.

_____ (Youth #3)
You were riding the bus home when _____(#1) grabbed your hat and held it out the bus window. She/he dropped it and your parents won't buy you a new one. She/he said that it was an accident, but this wasn't the first time. You are really angry.

_____ (Youth #1)
You were riding the bus home. You were just kidding around with someone on your bus. For a joke you grabbed something and held it out the window. It was no big deal when it accidentally dropped. It was kind of funny.

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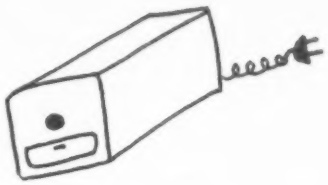
MEDIATION SCENARIO #9

WHY'S EVERYBODY ALWAYS PICKING ON ME?



PARTICIPANTS

_____ (Youth)

_____ (Teacher)

SCENARIO

_____ (Teacher) is in front of the classroom talking about Colonial America. The class is listening. _____ (Youth) gets up to sharpen a pencil, comes back to the table group and talks to another student. _____ (Teacher) says, "That's it! You are in at recess." They have all agreed to go to the school mediator to sit down and discuss the problem.

ROLE-PLAY PARTS

_____ (Youth)

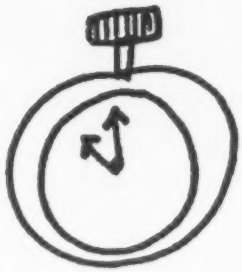
You were listening to the teacher when your pencil broke. You're supposed to take notes, so you got up to sharpen your pencil. When you got back to your seat, you quietly asked your friend if you could copy his notes. The teacher went ballistic. You think the teacher is picking on you because he/she always singles you out. You are really unhappy in the classroom, and you don't feel like making an effort.

_____ (Teacher)

You have been paying closer attention to _____ (Youth) lately because he/she has a bad attitude and his/her work has gotten worse. His/her assignments have been turned in late or not at all. He/she speaks out in class often and is frequently rude. You are frustrated and hope that at recess you can find out what's going on. You hope that maybe you can work out a plan together to make things better.

MEDIATION SCENARIO # 10

THE CHECK IS IN THE MAIL



PARTICIPANTS

_____(Babysitter)

_____(Neighbors)

SCENARIO

The neighbors called and asked you to babysit on Friday night. You have never worked for this family before but agree to take the job. You explain that you charge _____ dollars an hour.

You babysit Friday evening for two children and expect to be paid when the _____ (Neighbors) come home. The _____ (Neighbors) thank you for the job and apologize for not having the money that night. They said that they would pay you tomorrow. Now it has been a week and you have not been paid. They claim you broke something. They agree to go to the neighborhood mediation center.

ROLE-PLAY PARTS

_____ (Babysitter)

You agreed to babysit Friday evening for the new neighbor's two difficult children. You expected to be paid when they came home. It's been a week, you have not been paid and you are angry. The house was very messy and several times you tripped over boxes.

_____ (Neighbors)

You are new to the neighborhood. You have just moved to the area and your house is filled with boxes. You're starting a new job on Monday and are trying to get the kids registered for school. You asked a neighborhood kid to babysit Friday evening. When it was time to pay, you realized you had no cash and couldn't find your checkbook in all the mess. The next day you found one of your expensive vases had been broken.

MEDIATION SCENARIO # 11

IT'S OVERDUE

PARTICIPANTS

_____(Student)

_____(Librarian)

SCENARIO

_____ (Student) got an overdue notice from the school library. He/she never signed the book out. His/her teacher sends _____ (Student) to the library to work out the problem. _____ (Librarian) will not discuss it and says, "I don't want to hear it! Find the book and return it, or pay for it!" They agree to sit down with mediators.

ROLE-PLAY PARTS

_____ (Student)

Your teacher announces in front of the class that you have an overdue book and need to go to the library to work out the problem. You missed the review for tomorrow's test because you had to leave. You're sure that you never signed out the book. When you reach the library you don't even have a chance to explain. All the librarian does is yell at you in front of the other kids.

_____ (Librarian)

You are sitting in the rocking chair reading a book to a kindergarten class. The class has just settled down and is finally listening. _____ (Student) runs into the library and interrupts your story hour. The class is no longer listening to you because _____ (Student) is making such a fuss. You tell _____ (Student) what to do and send him/her back to class.

MEDIATION SCENARIO # 12

NOTEWORTHY

PARTICIPANTS

_____(Youth)

_____(Storekeeper)

SCENARIO

_____ (Youth) has decided to play the trumpet in the school band. _____ (Youth) must rent an instrument from the music store downtown. He/she rents the instrument, practices for the week, and then notices it has a big dent. He/she takes it back to the store and shows the storekeeper the trumpet. _____ (Youth) wants to exchange the instrument for one that is not damaged. _____ (Storekeeper) not only says that there will be no exchange, but also says _____ (Youth) must pay for the repairs. He/she knows he/she didn't do it. The storekeeper and the youth are going to mediate the problem.

ROLE-PLAY PARTS

_____ (Youth)

You want to play trumpet in the band. You rent one from a music store and after a week, you notice a big dent. You want to exchange it but the storekeeper holds you responsible. You know the dent was there when you rented it because you always take care of your things. You shouldn't have to suffer for other people's carelessness.

_____ (Storekeeper)

Music students rent instruments from your shop. They come back damaged and you are tired of paying for the repairs. Anyway, if there was a problem with the trumpet _____ (Youth) should have come in sooner or examined what he/she was renting before taking it home. You rent quality instruments. Your new policy is, "If it's damaged, you pay!"

GLOSSARY

Active Listening

conveys the idea that listening is more than just hearing. Active listening requires hearing plus understanding. This is an important skill for managing conflict.

Agreement

contract, accord, in mediation and conflict management this means that the disputants have created a document that describes how they will resolve the problem so that they can live together in the future.

Alternative Solutions

in conflict management this phrase means that the disputants have developed some ideas that they feel will resolve the problem.

Bias

partiality, prejudice, leaning, inclination.

Brainstorming

process where people generate as many ideas as possible to solve a problem without trying to judge any of the ideas.

Confidential

private, secret, restricted.

Conflict

noun—disagreement, argument, dispute, quarrel.
verb—disagree, oppose.

Disputants

the people who are having the conflict.

Feelings

emotions, beliefs, opinions.

Ground Rules

in mediation and conflict management, this refers to the rules which will be in effect during the discussion of the dispute. (Examples: no namecalling. Remain seated. No interrupting.) All disputants agree to abide by the ground rules at the start of the process.

Impartial

objective, unbiased.

Interest

in mediation and conflict management this refers to what we really want. It reflects our true needs, desires, and concerns.

Interruption

delay, break, pause.

Mediate

intervene, settle, discuss, reconcile.

Mediation

specific conflict resolution process that results in the solution to the problem coming from the people with the problem.

Mediator

person who facilitates the process of mediation where disputants talk to each other and decide how they will resolve a dispute.

Neutral(ity)

open-minded, unbiased, impartial, uninvolved.

Options

alternatives, choices, opportunities.

Perspective

attitude, outlook, position.

Position

in mediation and conflict management this refers to the stand we take in a conflict. It's what we demand from the other side.

Solutions

in mediation and conflict management this refers to the ideas that the disputants have decided will resolve the problem.

Summarize

review, outline, describe what happened. In mediation the mediator often outlines the key points presented by the disputants as a way of helping to move the process along.

Unbiased

neutral, objective.